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## Invincible ignorance and the discovery of the Americas: the history of an idea from Scotus to Suárez

Jeroen Willem Joseph Laemers  
*University of Iowa*

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INVINCIBLE IGNORANCE AND THE DISCOVERY OF THE AMERICAS: THE  
HISTORY OF AN IDEA FROM SCOTUS TO SUÁREZ

by  
Jeroen Willem Joseph Laemers

An Abstract

Of a thesis submitted in partial fulfillment  
of the requirements for the Doctor of  
Philosophy degree in History  
in the Graduate College of  
The University of Iowa

May 2011

Thesis Supervisor: Professor Katherine H. Tachau

## ABSTRACT

The dissertation addresses the impact of the medieval notion of what scholastic theologians termed “invincible ignorance” upon later Spanish attitudes toward, and *actual* treatment of, their New World Indian subjects. Once sixteenth-century theologians expanded the range of topics of which “invincible” – and thereby excusable – ignorance could theoretically be had, official Spanish policy towards the pagan and culturally alien Native Americans became noticeably less inhumane and oppressive.

This study adds significantly to our knowledge of the interaction between Native Americans and their European conquerors during the first century of Iberian settlement. First, it uncovers the ideological justification for the aforementioned shift in Spain’s treatment of its Indian subjects. Second, this study successfully explains why Spanish attitudes towards the American Indians changed at the moment they did. Third, I provide an alternative to the largely discredited, but inadequately replaced explanation that Spanish colonial administrators introduced more moderate policies because they increasingly abandoned the position that the Indians were not fully human.

My research furthermore offers a critical contribution to our understanding of the genesis of the concept of individual human rights. As sixteenth-century theologians concluded that there were valid grounds to excuse *some* individuals for such “sins” as unbelief, idolatry, and human sacrifice, on account of an insurmountable ignorance, it became progressively obvious that it was no longer possible to apply one single moral standard to all human beings, irrespective of upbringing and education. As a result, morality became more subjective and dependent on the individual circumstances of the actor. Thus, in order to maintain a minimum of justice, what was morally “right” came to be seen in an increasingly direct relation to the individual.

Although the connection between moral subjectivity and individual human rights has been well-established in the secondary literature, the underlying issue of invincible ignorance in relation to the problem of colonial conquest has so far not been recognized. Indeed, the very concept of “invincible ignorance” has never been systematically studied. This project reintroduces this critical notion to the center of the conversation.

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by  
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Graduate College  
The University of Iowa  
Iowa City, Iowa

CERTIFICATE OF APPROVAL

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PH.D. THESIS

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This is to certify that the Ph.D. thesis of

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has been approved by the Examining Committee  
for the thesis requirement for the Doctor of Philosophy  
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To Suus, with all my love



## ACKNOWLEDGMENTS

In writing this study, I incurred a great debt to all those who inspired and assisted me. First, I would like to thank my dissertation advisor Katherine Tachau for introducing me to the obscure, but intriguing field of medieval scholastic theology. I am grateful to Constance Berman for her help in weeding out the worst of my offenses against English style and grammar. Catherine Komisaruk kindly and patiently shared her knowledge of the history of early Latin America. Raymond Mentzer and Michael Moore offered many helpful suggestions.

Although neither was indirectly involved with this project, without the generous encouragement of István Bejczy and Cary Nederman this work would not have been written.

Finally, for more reasons than can be imagined, I would like to thank my wife Suus, to whom this work is dedicated.

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## INTRODUCTION

Fictional characters sometimes succeed in revealing important aspects of historical reality. Created and brought to life by Daniel Defoe (ca. 1659-1731), the famous castaway Robinson Crusoe, after being stranded on a deserted island off the coast of Venezuela, at one point started plotting the demise of the ferocious cannibals who occasionally visited his remote isle. Our fictional hero considered burying gunpowder under the exact place where these “savage wretches” would prepare and eat their victims, so that their very own cooking fire would be the instrument of their well-deserved deaths. He also contemplated setting up an “ambuscade,” from which he would surprise and kill the vicious cannibals using three “double loaded” muskets, finishing the job with pistols and sword.<sup>1</sup>

Soon, however, Crusoe experienced a profound change of heart. The cannibals, he realized, had possessed “no other Guide than that of their abominable and vitiated Passions.”<sup>2</sup> They simply did not know, it seemed, that cannibalism was a crime, as “it [was] not against their own Consciencs.” More precisely, the natives, Crusoe finds, “do not know [cannibalism] to be an Offence, and then commit it in Defiance of Divine Justice.”<sup>3</sup> As to their crimes, Crusoe eventually concludes that “I had nothing to do with them; they were National, and I ought to leave them to the Justice of God, who is the Governour of

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1 Daniel Defoe, *The Life and Strange Surprizing Adventures of Robinson Crusoe, of York, Mariner: Who lived Eight and Twenty Years, all alone in an un-inhabited Island on the Coast of America, near the Mouth of the Great River of Oroonoke; Having been cast on Shore by Shipwreck, wherein all the Men perished but himself. With an Account how he was at last as strangely deliver'd by Pyrates, written by himself.* Oxford's World's Classics 9 (Oxford and New York 1999), 169-70.

2 Ibid., 171.

3 Ibid., 172.

Nations.”<sup>4</sup> Accordingly, our fictional castaway decided that he lacked either the authority or duty to be “Judge and Executioner” of these savages, “whom Heaven had thought fit for so many Ages to go unpunish’d.”<sup>5</sup>

Having reached this conclusion, Crusoe sharply contrasts his decision with the Spanish conquest and settlement of the New World. He now realizes that whatever crimes the American natives committed among each other, it was insufficient to justify “the Conduct of the *Spaniards* in all their Barbarities practis’d in *America*, [...] where they destroy’d Millions of these People.” Although the original inhabitants of the New World were “Idolaters and Barbarians,” who had “several bloody and barbarous Rites in their Customs, such as sacrificing human Bodies to their Idols,” they had inflicted no harm upon their conquerors. As a result, the Spanish conquest is

[...] spoken of with the utmost Abhorrence and Detestation, by even the *Spaniards* themselves, at this Time; and by all other Christian Nations of *Europe*, as a meer Butchery, a bloody and unnatural Piece of Cruelty, unjustifiably either to God or Man; and such, as for which the very Name of a *Spaniard* is reckon’d to be frightful and terrible to all People of Humanity, or of Christian Compassion.<sup>6</sup>

Yet despite Crusoe’s decision to avoid any violent conflict, he changes his mind when one of the cannibals’ prisoners manages to escape his captors. In order to save the fugitive, Crusoe kills one of the pursuers; and allows the escapee, whom he later names Friday, to slay the other.

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4 Ibid., 174.

5 Ibid., 172.

6 Ibid., 172-73.

Like his captors, Friday belongs to a tribe of savage cannibals. Nonetheless, Crusoe easily educates his new servant to become a good and morally just person. Besides being taught not to eat his fellow human beings, the naked Friday is clothed and given religious instruction.<sup>7</sup> Soon already, Crusoe is forced to admit that Friday has become “a good Christian, a much better [one] than I.”<sup>8</sup>

Because even a little education transformed Friday into a morally responsible and just person, the cause of his erstwhile immorality appears to have been a profound ignorance. This ignorance, moreover, as evidenced by the enthusiasm with which Friday embraced his new knowledge, must have been involuntary. It is thus not far-fetched to assume that, if given the opportunity, Friday would have sought to overcome his ignorance sooner. Yet, he could only actually do so while being educated by a civilized European. Prior to Crusoe’s instruction, then, Friday’s ignorance had been insurmountable, or, in the theological language of the day, “invincible.”

As our fictional hero Robinson Crusoe explained earlier, the cannibalistic savages of the New World had lacked proper guidance, as had been imparted to the civilized nations of Christian Europe. Accordingly, the American natives, instead of possessing a deliberate intention to do evil, committed their crimes out of an invincible ignorance. Thus, it was best to leave their punishment, if any, to God. The unfortunate disregard of this argument, “Crusoe” suggests, was what had made the Spanish conquest of the Americas such a terrible crime and cruel butchery.

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<sup>7</sup> Ibid., 207-8, 217.

<sup>8</sup> Ibid., 221.

Significantly, even the Spaniards themselves, “at this Time,” are alleged to recognize the injustice of their prior methods. Perhaps, then, the concept of invincible, i.e., *excusable* ignorance – a notion with deep, medieval roots – did have an impact on the reform and eventual moderation of Spanish policies towards their Native American subjects. Considering the very title of this study, it should come as no surprise that it is our aim to show that this has indeed been the case.

Thus, in the course of this project, we will trace the development of theologians’ doctrines concerning what they termed “invincible ignorance” from John Duns Scotus (d. 1308), the seminal theologian of the late thirteenth and early fourteenth centuries, to Francisco Suárez (d. 1617), probably the most prominent and influential scholastic of the early modern period. Second, we shall explore the implications arising from the shifting boundaries of invincible ignorance for: (1) human certitude; (2) the culpability of the infidel; (3) the possibility of salvation for non-Christians; and (4) the perceived morality of Spain’s imperial endeavors.

In so doing, I have found that: (1) between the late thirteenth and early seventeenth centuries, faith in the possibility of absolute human certitude diminished on account of an increasing theological stress on divine omnipotence and freedom; (2) that the perceived culpability of *some* infidels for their lack of faith in Christian truths shrank accordingly; (3) that certain non-Christians came to be believed capable of earning salvation; and (4) that the Spanish Crown, increasingly accepting of these theological conclusions, gradually abandoned

the ruthless conquest and enslavement of the American Indians in favor of a policy of nominally benevolent paternalism.<sup>9</sup>

This study provides a threefold contribution to the intellectual history of the period prior to and continuing into the first century of significant European overseas expansion. First, despite what I argue was the critical impact of theological conceptions of invincible ignorance on the Spanish attitudes towards, and treatment of, their New World Indian subjects, the role of this theological notion has never before been the subject of systematic study. By carrying out such an investigation, I have been able to discover the connections linking a specific aspect of medieval and early modern scholastic thought to the actual practice of sixteenth-century colonial government. Moreover, my account deepens our historical understanding of Spanish-Indian interactions and explains successfully why Spanish policy in the Americas changed when it did.

Second, by outlining fourteenth- and fifteenth-century discussions on invincible ignorance, I demonstrate the crucial, but hitherto understudied impact of non-Thomist thought on Suárez and his immediate predecessors, such as the Dominicans Francisco de Vitoria (d. 1546) and Domingo de Soto (d. 1560). This allows me to argue that, contrary to much of the existing, especially older historiography, the late medieval intellectual landscape consisted of several closely intertwined theological traditions, rather than irreconcilably opposed factions.

As I will show in chapter two, the “doctrines” of nominalism and realism, as well as voluntarism and intellectualism, are not diametrically opposed, but instead, represent

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<sup>9</sup> My use of the terms “Indians” is meant to reflect the contemporary European vocabulary used to denote the inhabitants of the Caribbean, as well as Central and South America, not implying, of course, that these individuals had anything to do with India.



different positions within the same, *continuous* spectrum. Accordingly, sixteenth-century Thomists were not entirely precluded from relying on sources hostile to their scholastic exemplar, Thomas Aquinas. Insofar as the Thomists Vitoria, Soto and Suárez contributed to a more just treatment of the American Indians, they did so, I argue – contrary to what is commonly assumed – by going against the spirit, if not the letter of Aquinas’ synthesis.

Third and finally, although the development of the notion of human rights must fall outside the scope of this study, I hope to suggest how the theological concept of invincible ignorance contributed to its inception. As illustrated by Robinson Crusoe’s attitude, the insurmountable ignorance underlying the crimes of the Native American cannibals caused our fictional castaway to conclude that he could not rightfully punish these savages for their deeds. Instead, their punishment, “Crusoe” contended, ought to be left to God. In some ways, this conclusion amounts to providing a *de facto* legal protection from human intervention and castigation.

Of course, the eighteenth-century Enlightenment thinkers who defended the inalienable “rights of man” never intended to protect a right to physically consume fellow human beings. Other typical Indian “crimes,” however, especially religious heterodoxy, eventually came to be classified among those types of behavior deserving of legal protection. I will show that, according to scholars in prior centuries, such protection was only to be extended to those individuals deemed to suffer from invincible ignorance; and, furthermore, that certain prominent sixteenth-century Catholic theologians dramatically expanded the range of subjects of which invincible ignorance could be had. Their findings were sufficiently influential, it seems, to have been adopted and further popularized by the English Protestant Daniel Defoe.

Having thus outlined the scope and intention of my research, we will briefly look ahead to its separate elements. This study consists of eight chapters, organized into four larger parts. The first part, titled “Context,” includes chapters one and two. Chapter one, “From Aristotle to the Enlightenment: the Wider Intellectual Context,” shows that the perceived intellectual and moral differences between the “civilized” European and the “barbaric” Indian may be explained by a once widely-accepted Aristotelian theory dealing with the acquisition of “habits.” Significantly, this very same theory provides an answer to the question why some human beings may remain *invincibly* ignorant of certain forms of knowledge, which, supposedly, should be equally accessible to all. Additionally, this chapter connects medieval and early modern conceptions of toleration with the gradual formation of eighteenth-century individual rights-theories.

Chapter two, “The Theological Background: Aquinas v. Scotus,” outlines certain relatively recent developments in the historiography of medieval scholastic theology. In the light of this overview, I subsequently demonstrate that the finding that the American Indians could be excused of their “crimes” on account of their invincible ignorance, in no way can be derived from a faithful reading of Thomas Aquinas. Instead, the possibility of any far-reaching ignorance, insofar as it is truly invincible, was introduced into the scholastic discourse by the voluntarist theories of the Franciscan theologian John Duns Scotus.

Part two of this study, titled “The Later Middle Ages,” again consists of two chapters. Chapter three, “Disregarding Aquinas: Divine Freedom in the Fourteenth Century,” will demonstrate that, even among Dominican theologians, Aquinas’ specific understanding of necessity and contingency – which precluded human beings from being the victim of an ignorance both extensive and invincible – was generally abandoned. As a result, the number of potential scenarios in which human beings could suffer from invincible, and

therefore excusable, ignorance increased dramatically. Chapter four, “Prelude to Crisis: on the Doorstep of a New Age,” sets out to illustrate a somewhat similar trend with regards to the late fifteenth and early sixteenth centuries.

The third part of this study, which includes three chapters, is titled “From Theory to Practice: Spaniards and Indians.” In this section, we will see how what once were mainly theoretical considerations regarding invincible ignorance that had gradually been developed over the course of previous decades and centuries, came to be applied to an actual and rather pressing issue, namely the question of the extent of Indian immorality.

Chapter five, “Public Controversy,” outlines the various ideological, and very public, pressures to which Spanish officials came to be exposed in their attempts to formulate what they considered a just policy towards Spain’s newly-conquered subjects in the New World. Undoubtedly, the dramatic highpoint of these various debates was the so-called Valladolid Controversy (1550), during which Bartolomé de Las Casas, the great sixteenth-century advocate and defender of the Indians, confronted Juan Ginés de Sepúlveda, the foremost proponent of military conquest and forced conversion. As we will see, their respective positions were deeply informed by their assumptions regarding the presence or absence of invincible ignorance among the American natives.

Chapters six and seven explore the more formal theological background of the ideas espoused in these public controversies. Chapter six, “Lessons from the Lecture Hall I: the School of Salamanca,” focuses primarily on the thought of the Salamancan theologians Vitoria and Soto. Their Thomist reinterpretation of Scotus’ voluntarism led both of them to conclude that, under certain circumstances, the Indians’ unbelief and apparent immorality were entirely excusable.

Chapter seven, “Lessons from the Lecture Hall II: Antonio de Córdoba’s *Liber de ignorantia*,” adds a much-needed Franciscan perspective to our discussion. The once prominent, but nowadays largely forgotten Antonio de Córdoba, OFM (d. 1578) has supplied us, moreover, with what appears to be the most thorough and systematic discussion of ignorance composed in the sixteenth century. His conclusions, we will find, are not very different from those of his Dominican colleagues.

The fourth and final part of this study, titled “Epilogue,” comprises a single chapter: “Suárez, *Aeterni patris* and the Anti-Modernist Reaction.” Here, we not only review the relevant ideas of Francisco Suárez, the last of the great scholastics, but we also briefly investigate the how and why of the nearly inescapable Neo-Thomist bias in the modern historiography of medieval philosophy and theology. Perhaps surprisingly, we will find reasons to conclude that, at least in certain aspects, the Catholic Church of the sixteenth century was somewhat more progressive and inclusive than its nineteenth- and early twentieth-century counterpart.

LIST OF MAJOR PERSONS CONSIDERED<sup>1</sup>Antonio de Córdoba, OFM (1485-1578)

Antonio de Córdoba was a Franciscan theologian, active in his Order's province of Castile. Although nowadays all but forgotten, he appears to have been very influential among his contemporaries. As late as the eighteenth century, Córdoba continued to be cited as a foremost representative of the Scotist tradition.

Bartolomé de Las Casas, OP (1484-1566)

Las Casas was an early settler and landowner in the Spanish colony of Hispaniola. Soon, he came to oppose the ill-treatment of the Indians by his compatriots and turned into the former's most formidable defender. Las Casas is best known as the opponent of Juan Ginés de Sepúlveda during the famous Valladolid Controversy.

Domingo de Soto, OP (1494-1560)

Soto was a prominent student of Francisco de Vitoria, who eventually succeeded his erstwhile teacher as the foremost theologian at the University of Salamanca. For a time, he was confessor to Emperor Charles V. He also represented the imperial position at the Council of Trent.

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<sup>1</sup> As is the convention among medievalists, authors are listed alphabetically by their first name.

Durandus de Saint-Pourçain, OP (ca. 1270/5-1334)

Durandus, who is traditionally classified as a nominalist, was arguably the most influential Dominican theologian of the fourteenth century. He disagreed with many of Thomas Aquinas' central conclusions. As evidenced by the frequency with which he is cited, Durandus' positions remained influential until at least the sixteenth century.

Francisco Suárez, SJ (1548-1617)

Suárez, who was born in Granada, is generally described as the last of the great scholastics. He is sometimes classified as belonging to the so-called School of Salamanca (see: Francisco de Vitoria). Although very influential in his day, fashionable philosophy soon turned into different, non-scholastic directions.

Francisco de Vitoria OP (ca. 1492-1546)

Vitoria was an extremely influential Spanish theologian, who founded the so-called School of Salamanca. He had the ear of Charles V; and, for decades after his death, his students would occupy prominent positions as scholars, professors, courtiers, and administrators. Vitoria, moreover, devoted significant attention to the issue of the Spanish conquests in the New World.

Gabriel Biel (1410?-1495)

Biel was a German scholar and co-founder of the University of Tübingen, who, through his interpretation of Ockham, became the most prominent late medieval representative of nominalist theology. Although Biel never joined a religious order, he felt

drawn to the principles of the *Devotio moderna* and eventually joined the confraternity of the Brethren of the Common Life.

Gregory of Rimini, OESA (ca. 1300-1358)

Gregory of Rimini provided the theological “voice” of the Augustinian Hermits and, as such, was an influential scholar. Although in some sense a conservative thinker, Rimini was not unaffected by the innovations of contemporary scholasticism. He is best known for defending the notion of “double predestination” and maintaining that only the elect are capable of performing morally good acts.

John Duns Scotus, OFM (ca. 1265-1308)

From the late thirteenth until the eighteenth century, Scotus was generally considered the foremost proponent of Franciscan theology. Although his conclusions were never universally shared, his theological findings all but determined the direction of subsequent scholastic speculation. Scotus’ many followers came to be known as Scotists, who, throughout the sixteenth century, remained equal in influence to the Thomists or the *nominales*.

John Major (1467-1550)

John Major (or Mair) was a prominent Scottish philosopher and theologian, reputedly of strong nominalist persuasions. He studied and taught at the University of Paris, where he may have directly influenced the young Francisco de Vitoria and Domingo de Soto.

Juan Ginés de Sepúlveda, OP (1489-1573)

Sepúlveda was a Dominican friar and courtier to Charles V. He defended, in several publications, the rightfulness of waging, as well as instigating, wars against non-Christians. During the famous Valladolid Controversy, he argued, against his fellow Dominican Bartolomé de Las Casas, that Spain was wholly justified in conquering and enslaving the American Indians.

Robert Holcot, OP (ca. 1290-1349)

Holcot was an English Dominican, who studied and taught at the University of Oxford. He is generally considered to have been a convinced nominalist who arrived at far-reaching conclusions regarding divine freedom and omnipotence. As a result, Holcot came to stress the continuing contingency of the created universe, which therefore offered many opportunities for suffering from invincible ignorance.

Thomas Aquinas, OP (ca. 1225-1274)

Without question, Aquinas was the most prominent and influential theologian of the Dominican Order. Yet, the notion that his work constitutes the pinnacle of scholastic achievement appears to be a post-medieval invention. Nonetheless, while his theological synthesis is impressive, some of his conclusions became increasingly untenable in the wake of the discovery of the New World.

Thomas Cajetan, OP (1469-1534)

Thomas Cajetan was an Italian cardinal and fierce opponent of Martin Luther. His extensive commentary on Thomas Aquinas' *Summa theologiae* was much cited by sixteenth-



and seventeenth-century theologians, including Francisco de Vitoria, Domingo de Soto, Antonio de Córdoba, and Francisco Suárez. Cajetan is traditionally considered to have been one of the founders of Neo-Thomism.

PART I:  
CONTEXT

CHAPTER 1  
FROM ARISTOTLE TO THE ENLIGHTENMENT: THE WIDER  
INTELLECTUAL CONTEXT

Barbarians, Habits, and Virtue

When, toward the end of the fifteenth century, Spaniards encountered and started subjugating the American “Indians,” the former faced a situation which somewhat resembled the position of the Roman Empire vis-à-vis the peoples beyond its borders. From a Spanish perspective, Indian culture, especially on the Caribbean Islands, was more primitive and alien than any found in the fifteenth-century Mediterranean world; and not surprisingly, the Spanish considered the Indians to exist almost entirely outside the boundaries of civilization. Like the Greeks and Romans before them, Spaniards expressed their appreciation of more “primitive” peoples by calling them “barbarians.” The very influential Spanish Dominican and theologian Francisco de Vitoria, founder of the so-called School of Salamanca explicitly classified the American natives as such in his *De Indis recenter inventis* (1539).<sup>1</sup> In doing so, Vitoria moreover revisited the theory that “these barbarians” were “slaves by nature.”<sup>2</sup> Although it is obvious that Vitoria ultimately rejects this argument – if only in its traditional, Aristotelian sense – the inclusion of this position is nonetheless significant, because its usage indicates some of the explicit terms *and* implicit assumptions

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1 He does so already in the opening of *De Indis*, where he talks about “barbaros istos novi orbis, quos indos vulgo vocant,” as well as in many other places throughout the aforementioned work. See Francisco de Vitoria, *Relectio de Indis, o libertad de los Indios*, ed. L. Pereña and J.M. Perez Prendes, Corpus Hispanorum de pace, vol. 5 (Madrid 1967), I, p. 2.

2 Ibid., I, i, 1, p. 13.

with which the debate about the character and legal status of the American Indian was waged in Spanish scholastic circles.<sup>3</sup>

The doctrine of natural slavery, as employed in the sixteenth century, originated with Aristotle. In the first book of his *Politics*, Aristotle claims, among other things, that some human beings possess a natural aptitude to rule as master, while others are naturally suited to be ruled as slaves. This distinction, according to Aristotle, depends primarily on the presence or absence of foresight.<sup>4</sup> Natural slaves (as opposed to those who are merely slaves *de jure*) entirely lack the active power of deliberation.<sup>5</sup> In other words, natural slaves only possess reason passively, i.e., in so far as that they are able to perceive what is reasonable when it is pointed out to them by more rational individuals.<sup>6</sup> Given Aristotle's famous dictum that man is a rational animal, it is of eminent importance for the natural slave to have a master who is indeed more rational than he. In a sense, his rationality and thus his very humanity depend on it. It should therefore not come as a surprise that Aristotle maintains that the lack

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3 According to Vitoria, the Indians could not have been natural slaves in the traditional sense because, contrary to actual slaves, the Indians once possessed true *dominium*, both public and private: "Restat nunc conclusio certa: quod 'antequam hispani ad illos venissent illi [barbari] erant veri domini, et publice et privatim.'" Ibid., I, i, 16, p. 31. See I, i, 1, p. 13: "servi non habent dominium rerum." For a more extensive discussion of Vitoria's usage of the term "natural slave" see below, chapter 6, pp. 254-56.

4 Aristotle, *Politics*, 1252a30-34. All references are to the Latin translation by William of Moerbeke(?), as this was the version which was most readily available to Western scholars during the medieval and immediate post-medieval periods. A critical edition of this text is found in the *Aristoteles Latinus* series, vol. 29, ed. Petrus Michaud-Quantin (Bruges and Paris 1961).

5 Ibid., 1260a12-13: "Servus quidem enim omnino non habet consiliativum." From context it is clear that Aristotle here only discusses those who are slaves by nature. A few lines earlier (1259b33-34) he stated that "universaliter itaque hoc est considerandum de subiecto natura et principante, utrum eadem virtus aut altera." And again (1260a7-9): "Palam igitur quod eodem modo se habet et in aliis, itaque secundum naturam plura principantia et subiecta." For Aristotle's distinction between natural slaves and slaves *de jure*, see 1255a21-1255b16. Here Aristotle is forced to admit that some of those born in slavery, in fact, do possess sufficient virtue to be master.

6 Ibid., 1254b21-23: "Est enim natura servus qui potest alterius esse, (propter quod et alterius est), et communicans ratione tantum quantum admoneri sed non habere; [...]"

of freedom of a natural slave is not only just, but beneficial to master and slave alike. The former acquires a source of physical labor, in exchange for which the latter is able to partake of his master's rationality.<sup>7</sup>

One could summarize the preceding paragraph by stating that, for Aristotle, natural slaves lack the capability to distinguish what is reasonable and right. Although natural slaves do not completely lack virtue, theirs is of a different and lesser kind than the virtue of fully rational individuals.<sup>8</sup> And while quite often Nature does not succeed, nonetheless, Aristotle claims, she strives to have virtuous offspring born from virtuous parents.<sup>9</sup> Thus, generally speaking, someone deficient in virtue will have offspring similarly lacking in morality. This, Aristotle suggests, is not only what distinguishes a natural master from a natural slave – after all, with certain things a separation between ruler and ruled occurs immediately at generation<sup>10</sup> – but also what constitutes the fundamental difference between Greek and barbarian. Barbarians and natural slaves, Aristotle points out, possess similar natures. Hence, it is fitting, “as the poets say” that barbarians are ruled by the more rational and civilized Greeks.<sup>11</sup>

Thus, when Vitoria discusses the possibility that the American Indians are slaves by nature, we must be aware that we are dealing with an argument in which – originally at least

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7 E.g. *ibid.*, 1252a31-b1; 1254b16-b21; 1255a2-3.

8 See above n. 5: 1259b33-34 and 1260a7-9.

9 *Ibid.*, 1255b1-4: “Significant enim, quemadmodum ex homine hominem et ex bestiis fieri bestiam, sic et ex bonis bonum; natura autem vult quidem hoc facere, multotiens tamen non potest.”

10 *Ibid.*, 1254a21-24: “Principari enim et subici non solum necessariorum sed et utrorumque est et confestim ex nativitate quedam segregata sunt, hec quidem ad subici, hec autem ad principari.”

11 *Ibid.*, 1252b8-9: “dicunt poete ‘Barbaris quidem Grecos principari congrue,’ tamquam idem natura barbarum et servum existat.”

– morality and ethnicity nearly coincided. Yet, as we have seen, Aristotle explicitly allowed for exceptions to the rule that virtuous parents beget virtuous offspring. Vitoria, too, could not have subscribed to the position that one’s virtue exclusively depends on one’s parentage without doing irreparable damage to the Christian dogma of free will. And while Vitoria does not hold that the Indians are natural slaves according to the strict Aristotelian sense, neither does he, reject out of hand (as perhaps could be expected) the argument as incompatible with Christian doctrine. Moreover, such other theologians as John Major and Juan Ginés de Sepúlveda would seriously discuss the notion of natural slavery, or even enthusiastically uphold it.<sup>12</sup>

How, then, should we explain the apparent, but imperfect connection between ethnicity and virtue? How does one’s ethnicity influence the efficacy of one’s free will? Or, from a more purely Aristotelian perspective, why does nature sometimes fail to bring forth good from good? In order to answer these questions, we must briefly consider pre-modern notions of ethnicity, then Aristotelian moral psychology, and then relate the latter to the theological concept of invincible ignorance.

In the modern-day humanities, to state that “ethnicity is a social construct” is to reiterate a well-worn commonplace.<sup>13</sup> Perhaps surprisingly, this statement appears particularly valid in describing late Roman attitudes toward ethnic identity. A few points stand out about these attitudes. First, the Romans do not seem to have attached overriding

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<sup>12</sup> See below, chapters 4-5.

<sup>13</sup> For a useful (and considerably less simplistic) introduction to the concept of ethnicity, especially in relation to the late Roman world, see Guy Halsall, *Barbarian Migrations and the Roman West, 376-568* (Cambridge 2007), 35-62.

importance to skin color or similar physical traits.<sup>14</sup> Furthermore, ethnic identity, be it barbarian or Roman, was almost never attributed to women, but was reserved to males: “ethnicity,” as Guy Halsall points out, was “essentially masculine.”<sup>15</sup> Moreover, “barbarity,” like femininity and childhood, was perceived not so much in direct opposition to, but rather as a lesser, imperfect form of proper Roman manhood.<sup>16</sup> It is perhaps illustrative of this point that the barbarian was not infrequently feminized in Roman art.<sup>17</sup> *Romanitas*, when compared to *barbaritas*, was seen as the more perfect fulfillment of an absolute and invariable masculine ideal.

An essential part of this masculine ideal was, of course, rationality. “*Man*,” as the dictum goes, “is a rational animal;” the barbarian, like woman and child, apparently less so.<sup>18</sup> Barbarians – many of whom, if Aristotle was to be believed, are natural slaves – therefore do not lack rationality and foresight because they are barbarians; rather, they are barbarians because they lack rationality and foresight. Hence, on account of their un(der)developed rationality, barbarians could be portrayed either as wild, furious, corrupted and lacking in self-control, or as childlike and innocent, if slightly backwards.<sup>19</sup> Occasionally, both aspects of the barbarian character alternated within the same text, as for example, in Tacitus’

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14 Ibid., 43.

15 Ibid., 486.

16 Ibid., 482-88.

17 See I. Ferris, “Insignificant Others: Images of Barbarians in Military Art from Roman Britain,” in S. Cottam *et al.* eds., *TRAC 94. Proceedings of the Fourth Annual Theoretical Roman Archaeology Conference* (Oxford 1994), 24-31, cited in Halsall, *Barbarian Migrations*, 482.

18 See Aristotle, *Politics*, 1259b18-1260a24.

19 See e.g. W.R. Jones, “The Image of the Barbarian in Medieval Europe,” *Comparative Studies in Society and History* 13 (1971), 376-407: 377.

*Germania*. More often, however, Roman authors simply focused on the negative characteristics of the barbarian. The late Roman author Prudentius (348-ca. 413), echoing Aristotle's attitudes toward the natural slave, wrote that "the Roman is as different from the barbarian as man is different from the animal, or the speaking person from the mute."<sup>20</sup> This image of barbarians as "beasts," "dumb brutes," and subject to "unreasoned fury" continued throughout the Middle Ages, although Gerald of Wales for one, also contrasted the natural and uncontrived ways of the "uneducated" and "uncultured" Irish with the artificial constraints of civilization.<sup>21</sup>

Yet, ethnicity from a Roman perspective was not necessarily a fixed characteristic. Newly conquered peoples could eventually convert to *Romanitas* by willingly adopting Roman manners and morals.<sup>22</sup> In other words, in order to become a Roman, one had to recognize, adopt and adjust to Rome's superior morality which, contrary to barbarian customs, was explicitly believed to be based on right reason. Thus, at least from Aristotle onward, the prevailing belief in the Greco-Latin world seems to have been that ethnicity was not necessarily fixed, but instead could be changed by conscious moral choice. Yet, if ethnicity, at least in theory, is so completely malleable, why are there so many barbarians and so few civilized Greeks and Romans? Why is it that so many human beings are incapable of choosing what is morally right? Aristotle, among others, asserted that these questions can be partially answered by considering the circumstances of physical geography. Thus, he claims, nations in cold regions are, due to their climate, full of spirit but deficient in thought and art

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20 Prudentius, *Contra orationem Symmachi*, ed. H.J. Thomson, Loeb Classical Library, 2 vols (Cambridge, MA 1961-2), II, 70, cited in Jones, "The Image of the Barbarian," 381-82.

21 Ibid., especially pp. 396-98.

22 Ibid., 379.



and as a result lack proper political organization. Nations in Asia, by contrast, lack spirit, and so are easily subjugated by tyrannical monarchs. Only in the Mediterranean area, where the climate is just right, are the inhabitants naturally well-suited for civilization and proper government.<sup>23</sup>

This explanation, however, raises perhaps as many questions as it solves. Moreover, it cannot explain the exceptions to the rule, i.e., the existence of virtuous barbarians and vicious Greeks or Romans. Fortunately, a more comprehensive solution may be discovered in Aristotle's writings on moral psychology. In the *Nicomachean Ethics*, Aristotle asserts that the essence of virtue is consciously to choose the proper mean between excess and deficiency. This "proper mean" is always what right reason declares it to be.<sup>24</sup> For Aristotle, this principle is to be followed both in action and in deliberation, which means that there must be distinct moral and intellectual virtues, the former resulting in good actions, the latter in knowledge and prudent decision-making.<sup>25</sup>

On Aristotle's account, intellectual virtues originate and grow mostly through education, whereas the moral virtues are acquired by habitual action.<sup>26</sup> Thus, human beings are in no way made morally virtuous by nature.<sup>27</sup> Instead, virtue is acquired as the result of

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23 Aristotle, *Politics*, 1327b18-32. See also: Halsall, *Barbarian Migrations*, 46-48; Jones, "The Image of the Barbarian," 379.

24 Aristotle, *Nicomachean Ethics*, 1138b18-20. Cf. 1104A11-27; 1106a26-1107a27. All references are to the *Recensio pura* of Robert Grosseteste's Latin translation. A critical edition of this text is found in the *Aristoteles Latinus* series, vol. 26, pt. 3, ed. Renatus Antonius Gauthier (Leiden and Brussels 1972).

25 Ibid., 1103a3-5.

26 Ibid., 1103a14-19: "Duplici autem virtute existente, hac quidem intellectuali, hac autem morali, ea quidem que intellectualis, plurimum ex doctrina habet et generationem et augmentum. Ideo experimento indiget et tempore. Moralis vero, ex more fit. Unde et nomen habuit, parum declinans a more."

27 Ibid., 1103a19-20: "Ex quo et manifestum quoniam neque una moralium virtutum, natura nobis infit."

prior activities. Just as lyre-players become proficient by playing the lyre, so human beings become virtuous by acting virtuously.<sup>28</sup> Vices, by contrast, are acquired by acting viciously.<sup>29</sup>

A moral virtue or a moral vice, then, according to Aristotle, is a deliberately acquired *habitus* (Gr. ἕξις), and is the mean between two extremes, relative to us, as would be determined by a wise and prudent man.<sup>30</sup> Although we may be inclined to translate *habitus* as “habit” (which, indeed, is an Anglicization of the Latin term), strictly speaking, a better alternative would be either “state” or “condition.” Contrary to an ordinary habit, an ἕξις or *habitus*, once acquired, is almost impervious to change.<sup>31</sup> Thus, a mental *habitus* must be understood as a (semi) permanent condition of the mind.

In contrast to moral virtues, however, not all intellectual virtues are habits. While prudence, for example, is a *habitus*, wisdom is not.<sup>32</sup> Yet, of all the intellectual virtues:

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28 Ibid., 1103a30-1103b1: “Virtutes autem accipimus operantes prius, quamadmodum et in aliis artibus. Que enim oportet discentes facere, hec facientes, discimus; puta edificantes, edificatores fiunt; et citharizantes cithariste. Sic autem, et iusta quidem operantes, iusti efficimur, temperata autem, temperati, forcia vero fortes.”

29 Ibid., 1103b16-24.

30 Ibid., 1107a1-2: “Est ergo virtus habitus electivus in medietate existens que ad nos determinata ratione; et ut utique, sapiens determinabit.” Cf. 1106A11-12.

31 Aristotle makes this point most clearly in his *Categories*. Here I have made use of the translation by William of Moerbeke: *Aristoteles Latinus*, vol. 1, ed. Laurentius Minio-Paluello (Bruges and Paris 1961). 8b27-35: “Una quidem igitur species qualitatis habitus et dispositio dicantur. Differt autem habitus a dispositione eo quod permanentior et diuturnior sit; tales autem scientie et virtutes; scientia enim videtur admanentium esse et difficile mobilium, et si mediocriter scientiam quis accipiat, nisi magna transmutatio fiat ab egritudine vel alio aliquo tali; similiter autem et virtus, velut iustitia et temperantia et unumquodque talium, non facile mobile videtur esse neque facile transmutabile.” Also 9a4-10: “Manifestum autem quod hec volunt dicere habitus, que sunt diuturniora et difficiliora mobilia; non valde enim optinentes scientias sed facile mobiles existentes non aiunt habitum habere, quamvis disponantur aliquid secundum scientiam vel deterius vel melius. Quare differt habitus a dispositione eo quod hec quidem facile mobilis sit, hic autem diuturnior et difficilior mobilis.”

32 Aristotle, *Nicomachean Ethics*, 1140b20: “necesse prudenciam habitum esse [...]” Regarding the nature of wisdom, Aristotle is less explicit. Wisdom, he states, is composed of knowledge of necessary and invariable things and understanding, 1141b2-3: “sapiencia est et sciencia et intellectus honorabilissimorum natura.” Yet, one cannot gradually habituate oneself to knowing something that is always and universally true, such as “the whole is greater than the part,” or “the sum of the three internal angles of a triangle is always equal to two right angles.” See 1140b31-1141a8. Even so, wisdom, like prudence, is still an intellectual virtue, 1143b15-17: “Quid

understanding, scientific knowledge, wisdom (a combination of knowledge and understanding), art, and prudence, only understanding cannot be (partially) acquired through either education or conscious habituation.<sup>33</sup> Therefore, the extent to which an individual is able to either act well or think well is largely dependent on that individual's training and education.

At this point, we have finally stumbled across the psychological mechanism that could and indeed *did* explain the occurrence of invincible ignorance. Inevitably, any deficiencies in the moral habituation or education of a child would bring about the formation of improper mental habits. These habits, then, could cause (1) faulty knowledge, or perhaps even an almost complete lack thereof; (2) a flawed mental condition which would be either impossible to remedy, or which could be corrected only through great and protracted efforts. Either way, even as an adult, the child would continue to suffer from the adverse effects of his improperly formed mental habits through no fault of his own.<sup>34</sup>

Nevertheless, the question remains as to why the *habitus* of barbarians, be it Scythians, Germans or Indians, were believed to be almost universally lacking in proper development – in marked contrast to the mental habits of Greeks, Romans, and Spaniards. The solution to this problem is perhaps more clearly indicated by medieval, rather than classical texts. The Aristotelian concept of *habitus* was widely present, however imperfectly,

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quidem igitur est prudentia et sapientia et circa que utraque est existens, et quoniam alterius anime particule virtus utraque dictum est.”

33 Aristotle lists these virtues in lines 1139b15-18.

34 Cf. Aristotle, *Nicomachean Ethics*, 1103b21-15.

in theological debates from at least the twelfth century.<sup>35</sup> Interest in the concept of *habitus* increased further after with appearance of Robert Grosseteste's complete Latin translation of the *Nicomachean Ethics* around 1246-47.<sup>36</sup> Thomas Aquinas, for instance, not only wrote a commentary on the *Nicomachean Ethics*, but also explicitly discussed *habitus* in his *Summa theologiae*.<sup>37</sup> Aquinas implicitly argues that *habitus* is to some extent hereditary and thus can be transmitted from parent to child – original sin being the prime example of such a *habitus*. According to Aquinas, there are two kinds of *habitus*: the first is an inclination to commit specific acts or to act in a specific way, and virtues are among such habits; the second kind of *habitus* is a disposition toward either good or ill, and it is almost as if this disposition were part of one's nature. Aquinas maintains that original sin is a *habitus* only in the second sense of the word.<sup>38</sup> A similar conclusion was reached several centuries later by the Spanish Jesuit Francisco Suárez, who wrote that original sin is a habitual turning away from God.<sup>39</sup>

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35 Cary J. Nederman, "Nature, Ethics and the Doctrine of *Habitus*: Aristotelian Moral Psychology in the Twelfth Century," *Traditio* 45 (1989–90), 87-110. See also Marcia L. Colish, "*Habitus* Revisited: a Reply to Cary Nederman," *Traditio* 48 (1993), 77-92, in which Colish argues that twelfth-century discussions of *habitus* were not always completely faithful to the Aristotelian viewpoint, but also contained elements of a more Augustinian understanding of habit.

36 On the recovery of the *Nicomachean Ethics*, see Gauthier's introduction to the various editions of this text in the *Aristoteles Latinus* series: *Aristoteles Latinus*, vol 26, pt. 1 (Leiden 1971), xvi-clxvii. See also Georg Wieland, "The Reception and Interpretation of Aristotle's *Ethics*," in Norman Kretzmann, Anthony Kenny and Jan Pinborg eds. *The Cambridge History of Later Philosophy. From the Rediscovery of Aristotle to the Disintegration of Scholasticism: 1100-1600* (Cambridge 1982), 657-72.

37 Thomas Aquinas, *Summa theologiae*, I-II, qq. 49-54, ed. Roberto Busa, *S. Thomae Aquinatis opera omnia*, vol. 2 (Stuttgart 1980).

38 *Ibid.*, q. 81, a. 1: "Respondeo dicendum quod, sicut supra dictum est, 'duplex est habitus.' Unus quidem quo inclinatur potentia ad agendum, sicut scientiae et virtutes habitus dicuntur. Et hoc modo peccatum originale non est habitus. Alio modo dicitur habitus dispositio alicuius naturae ex multis compositae, secundum quam bene se habet vel male ad aliquid, et praecipue cum talis dispositio versa fuerit quasi in naturam, ut patet de aegritudine et sanitate. Et hoc modo peccatum originale est habitus."

39 Francisco Suárez, *De vitiis et peccatis*, disp. IX, sect. ii, 18, in *Opera omnia*, vol. 4 (Paris 1856), p. 605.

It should be noted, of course, that Aquinas' and Suárez' conception of original sin does not, strictly speaking, fit into the mold of an Aristotelian vice. According to Aristotle, both virtues and vices, once acquired, are almost impossible to eradicate. If original sin did indeed constitute a habituated vice, then the exercise of free will would be virtually impossible. Nonetheless, original sin is sufficiently strong to be nearly a part of human nature, as Aquinas explicitly argues, comparing original sin to sickness or health, which are to a large extent beyond ordinary human control.<sup>40</sup>

At this point, it is important to recognize the distinction between “natural” and “inborn.” Aristotle had maintained that neither virtue nor vice is part of human nature, although they may eventually become a firmly ingrained part of an individual's character.<sup>41</sup> Similarly, for Aquinas neither lameness nor original sin is part of human nature. After all, before the Fall, human beings existed in a natural, sinless state. Yet, some individuals are born with lameness and all of us, at least nowadays, are supposed to have been burdened with original sin. Although no classical or medieval author seems to have argued that virtue, even if not natural, can be inborn, Aquinas' discussion of original sin does indicate that certain other, weaker kinds of moral habits can be inherited by children from their parents. The reason for this is that body and soul do not exist in isolation. Aristotle himself notes that bodily disease is sometimes able to diminish or destroy an intellectual virtue.<sup>42</sup> Aquinas admits that on account of a bodily disposition of the parent defects of the soul may be

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40 See above n. 38.

41 See above n. 27.

42 See above n. 31, 8b27-35.

transmitted to one's offspring.<sup>43</sup> William of Ockham, going even further, explicitly states that repeated acts of the intellect and the will can cause the coming into being of "a certain corporeal quality" in the agent. Thus, if the intellect, as commanded by the will, turns its back on the passions of the sensitive appetite, the body will develop certain qualities which will help to preserve the mental habit of moderation.<sup>44</sup>

According to classical and medieval assumptions about heredity, these bodily "dispositions" or "qualities" would be likely to be transmitted from parent to child. The notion that characteristics gradually acquired during one's lifetime (but obviously before the moment of procreation) could reappear in one's offspring was not seriously questioned before the nineteenth century. Numerous sources, including biblical texts, classical literature, medieval theological disputations and early modern scientific treatises, testify to the widespread and lasting popularity of this idea.<sup>45</sup> Probably the most significant scholar to eventually undermine the wide-spread belief in the heritability of acquired characteristics was the nineteenth-century German biologist August Weismann (1834-1914). Illustrative of Weismann's approach, though far from scientifically decisive, was his experiment, conducted

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43 Aquinas, *Summa theologiae*, I-II, q. 81, a. 1: "[...] dato quod aliqui defectus corporales a parente transeant in prolem per originem; et etiam aliqui defectus animae ex consequenti, propter corporis indispositionem."

44 William of Ockham, *Reportatio*, IV, q. 12, cited in Oswald Fuchs OFM, *The Psychology of Habit According to William of Ockham* (Bonaventure 1952), 41-42: "Aliter potest dici quod ex actibus intellectus frequenter elicitis causatur aliqua qualitas in corpore, et voluntate similiter, sicut videmus quod actus concupiscentiae, sive passiones appetitus sensitivi moderantur per actus intelligendi et volendi per hoc quod voluntas suspendit actum intellectus respectu talium, et convertit se ad alia, et voluntas vult Deum vel aliquid tale; ita quod ex frequenti intellectione et volitione potest generari et augeri aliqua qualitas corporalis quae est conservans habitum in intellectu et voluntate, sive quia frequenter secundum alterationem animae sequitur alteratio corporis. Et ideo ad corruptionem illius qualitatis corporalis conservantis sequitur corruptio habitus in anima."

45 A wide selection of such sources has been collected in: Conway Zirkle, *The Early History of the Idea of the Inheritance of Acquired Characters and of Pangenesis*. Transactions of the American Philosophical Society NS 35, pt. 2 (Philadelphia 1946), 89-151.

in 1888, during which he cut off the tails of mice for numerous generations while noticing the fully retained tails of all offspring.<sup>46</sup>

Before Weismann and Darwin, the field of evolutionary biology had been dominated by the ideas of the French naturalist Jean-Baptiste Lamarck (1744-1829), whose work was revolutionary because he allowed for the possibility of the appearance of completely new species through the gradual evolution of less complex organisms could into more complex ones by the habitual use or disuse of certain bodily characteristics. Although the notion of biological evolution need not concern us here – and, in any case, almost certainly did not appear prior to the eighteenth century – the underlying mechanism of Lamarckian evolution was nothing other than the inheritance of acquired characteristics.<sup>47</sup> Thus, what today in the biological sciences is known as “soft” or “Lamarckian inheritance” (i.e. *not* “Lamarckian evolution”) represented the accepted wisdom of the late eighteenth and early nineteenth centuries.<sup>48</sup> Lamarck’s own words illustrate this:

The law of nature by which new individuals receive all that has been acquired in organization during the lifetime of their parents is so true, so striking, so much attested by the facts, that there is no observer who has been unable to convince himself of its reality.<sup>49</sup>

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46 A good, extensive introduction to the history of evolutionary thought is Stephen Jay Gould’s *The Structure of Evolutionary Theory* (Cambridge, MA and London 2002). For Weismann’s contribution see pp. 197-224. See also Edward Stuart Russell, *The Interpretation of Development and Heredity. A Study in Biological Method* (Oxford 1930).

47 Jean-Baptiste Lamarck, *Philosophie zoologique* (Paris 1809), 235. For Lamarck’s eighteenth-century predecessors as advocates of the mutability of species see: Richard W. Burkhardt, *The Spirit of System. Lamarck and Evolutionary Biology* (Cambridge, MA and London 1977), 76-93.

48 Cf. Gould, *Structure*, 197, where the concept of the inheritance of acquired characteristics is devalued, incorrectly I believe, to “folk wisdom.”

49 Jean-Baptiste Lamarck, *Histoire naturelle des animaux sans vertèbres*, 7 vols (Paris 1815-1822), cited in Gould, *Structure*, 178.

Interestingly, and presumably not coincidentally, Lamarck describes the acquired characteristics that are passed on from parent to offspring as “habits” (i.e. *habitudes*).<sup>50</sup> Lamarck’s *habitudes* may not be completely identical to Aristotle’s *habitus*, but there are enough significant similarities to suggest that the Lamarckian concept of habit is ultimately Aristotelian in inspiration and the Aristotelian concept of habit, or at least a relatively close derivative thereof, was present in intellectual discourse until the nineteenth century.<sup>51</sup>

Having explored the significance of the Aristotelian *habitus* and its conceptual offspring, we are now in a position to return to the earlier question of how barbarian nations could be believed to suffer almost generally from insufficient reason, flawed morality and deficient political organization, thanks to geographic circumstances, and more precisely, climate. To the Greeks, Romans and Spaniards, it seemed evident that climatological circumstances influence bodily dispositions. Ethiopians, for example, are dark-skinned because they live in hot regions close to the equator, while Germans are fair-skinned because they live, from a Mediterranean perspective, in the cold and frozen north. Spaniards, like their ancient sources, further assumed that some of these bodily dispositions caused by climatological conditions have either a beneficial or detrimental effect on one’s mental make-up. Thus on this theory, some peoples, depending on where they have settled, may be more apt to distinguish wrong from right, to cultivate both the moral and the intellectual virtues and, consequently, to establish a more advanced political organization. Furthermore, better

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50 Lamarck uses this term throughout his work, but perhaps in an especially revealing manner in his *Philosophie zoologique*, I, chapter VII, pp. 218-68, which is titled “De l’influence des circonstances sur les actions et les habitudes des animaux, et de celle des actions et des habitudes de ces corps vivans, comme causes qui modifient leur organisation et leur parties.”

51 After all, Lamarck’s *habitudes* are gradually acquired through continuous use or disuse. Once acquired, they become so ingrained that not only they become virtually impossible to shed, but are even passed on to subsequent generations. See especially the aforementioned chapter in the preceding footnote.



laws and sufficient attention to proper education will habituate subsequent members of their political community to acquiring virtue and avoiding vice. Later generations will thereby participate in an inherently superior society and, more importantly, will have inherited those bodily dispositions of their ancestors that facilitate the acquisition and retention of virtue.

Barbarian societies, by contrast, not only started out in inferior locations on this theory, but their individual members never developed the optimal bodily and mental dispositions to be passed on to subsequent generations. Given this assumption, one may easily envision a scenario in which certain individuals or nations have degenerated so much that they have become, in effect, natural slaves. It may well be that their inborn dispositions are so antithetical to virtue that even the careful ministrations of a benevolent master cannot undo the negative effects of a multi-generational stunted moral development. Although this conclusion does little to improve the attractiveness of Aristotle's theory of natural slavery, it does resolve some of the seeming intellectual inconsistencies that numerous modern commentators have noted in his theory.<sup>52</sup>

In addition to climate, another factor in an explication of the moral superiority of certain peoples could be religion. From a medieval or early-modern perspective, it would not be hard for Christians to argue that their co-religionists, assisted by revelation and the sacraments, were better able to develop virtue and to pass on the corresponding dispositions to subsequent generations than are pagans, heretics, or Muslims.

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<sup>52</sup> See, e.g., Nicholas D. Smith, "Aristotle's Theory of Natural Slavery," *Phoenix* 37 (1983), 109-22. Smith notices that possibly the biggest problem with Aristotle's theory is that once the natural slave acquires reason through his master (see above, pp. 17-18) his continued enslavement becomes immoral. However, it may well be that due to his inherited dispositions the natural slave always remains unable to reach the same level of reasonableness as his master. For older criticisms on the consistency of Aristotle's argument see especially pp. 110-11 and nn. 3 and 5.

These theoretical components explain why ethnicity and morality so often seem to coincide in Aristotelian-inspired sources. Such a *habitus*-theory is also successfully able to explain the exceptions to the rule. Dispositions, after all, are not wholly deterministic. For adherents to such a theory, it was quite conceivable, even if unlikely, that flawed dispositions could be overcome through perseverance, practice, or even divine illumination. Similarly, even the best dispositions are worthless if education and moral habituation are lacking – hence Aristotle’s observation that, despite nature’s strivings, good does not always arise from good.<sup>53</sup>

### Education vs. Persecution

The European Middle Ages are nowadays not known for having been a particular tolerant period. Although the extent of medieval intolerance is often overstated, heretics, infidels, lepers and the poor undeniably all faced persecution on an alarmingly regular basis.<sup>54</sup> In an already classic work, R.I. Moore has advanced the claim that the increasing persecution in the Latin West after ca. 1100 was triggered by changes among the persecutors, rather than by the behavior of the persecuted.<sup>55</sup> Moore argues that during the twelfth century the Medieval West turned into a full-blown “persecuting society” as a reaction to perceived threats to a new and initially fledgling social order. One of the many changes that significantly transformed European society from the late eleventh century onwards was the

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<sup>53</sup> See above, n. 9.

<sup>54</sup> For a correction of the image of the Middle Ages as a particular intolerant time, see especially Cary J. Nederman, *Worlds of Difference. European Discourses of Toleration, c. 1100-c. 1550* (University Park, PA 2000), and also István Bejczy, “*Tolerantia: A Medieval Concept*,” *Journal of the History of Ideas* 58 (1997), 365-94.

<sup>55</sup> Robert I. Moore, *The Formation of a Persecuting Society: Power and Deviance in Western Europe, 950-1350* (Second edition; Oxford 2007).

replacement of warriors by literate clerks as “the agents of government and the confidants of princes.”<sup>56</sup> Most of these *literati* did not come from the highest noble ranks and were, in essence, “new men” who were perceived by the more traditional elites as upstarts and interlopers. Furthermore, these *homines novi* of the High Middle Ages saw themselves as representing the triumph of reason over custom and superstition; and since education and reason had been the prime cause of their quick social rise, it would be reason that would defend and consolidate their new-found and still somewhat tenuous high social rank.<sup>57</sup>

Besides being forced to hold their own against the older elites, these new *literati* also attacked those whom they deemed eminently *unreasonable*, namely the illiterate, the uneducated, the poor, or, generally speaking, the *rustici*.<sup>58</sup> Medieval persecution from the twelfth century onwards, can in some sense be construed as assaults, in the name of reason, by the learned and literate on “particular loci of communal power.”<sup>59</sup> Thus, the rise and growth of the class of the *literati* amplified the traditional distrust of the uncultivated country-dweller on the part of those who were not. Just as in earlier times the uneducated villager, or *paganus*, had been equated with the non-Christian, in the High Middle Ages the terms *rusticus* and *illiteratus* were regularly used to describe the stereotypical heretic.<sup>60</sup>

Moore’s findings echo (indeed, are in part derived from) Alexander Murray’s *Reason and Society in the Middle Ages*, in which Murray argues that, as a result of fundamental

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56 Ibid., 128.

57 Ibid., 128-31.

58 Ibid.

59 Ibid., 126-27.

60 See Brian Stock, *The Implications of Literacy: Written Language and Models of Interpretation in the Eleventh and Twelfth Centuries* (Princeton 1983), 92-151.

economic changes and a resultant greater social mobility, from the eleventh century onwards a person's mental capacities – as opposed to birth or martial prowess – could bring social advancement and power.<sup>61</sup> Consequently, Christian society placed an increasing stress on education and the cultivation of the mind. Concurrently, an ever greater weight came to be attached to reason and rationality.<sup>62</sup> As to how the mind could be cultivated and reason increased, it was “a commonplace of [medieval] religious psychology,” Murray writes, “that *habitual action* affects a man's philosophy” [my emphasis].<sup>63</sup> Although Murray does not discuss or even identify the Aristotelian concept of *habitus*, it is obvious from his discussion as well as from his sources that the gradual acquisition of moral and intellectual habits through education and training distinguished the rational elites from the irrational masses. For example, Alexander Neckham in his *De naturis rerum* (ca. 1200) argued that “the potentiality of a gifted mind [becomes] a habit by virtue of academic discipline and practice.”<sup>64</sup> The illiterate and the poor, by contrast, are regularly reproached in medieval sources for lacking proper education and, instead, possessing “evil dispositions.”

Among the literate and the learned the disdain for the *rusticus* was both deep-seated and virulent. According to Murray, “it was the educated man as such [...] who was most tempted to cry down the peasant.”<sup>65</sup> The word “rustic” increasingly came to mean “stupid,” “coarse,” or “ill-mannered.” Country-dwellers, with little reservation, could be described as

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61 Alexander Murray, *Reason and Society in the Middle Ages* (Oxford 1978).

62 Ibid., 17-19.

63 Ibid., 14.

64 Alexander Neckham, *De naturis rerum*, ed. T. Wright, Rolls Series 34 (London 1863), 247, cf. pp. 283, 311: “Cum vero divitis venae potentia, artis virtute, usus beneficio, versa fuerit in habitum,” cited in Murray, *Reason and Society*, 233.

65 Murray, *Reason and Society*, 239.

“rural and bestial men.”<sup>66</sup> Thus, William of Auvergne, the thirteenth-century theologian and bishop of Paris, would speak about the “grossness and turbidity of the minds of the masses, and of uneducated people.”<sup>67</sup> Boethius’ contention that the uneducated are almost lower than brute animals was approvingly repeated ca. 1240 by Guillaume Peyraut in a widely-read ethical manual. Murray also points to Nicholas of Clairvaux, who had maintained, some eight decades earlier, that the distance between the educated and the uneducated was as great as that between men and beasts.<sup>68</sup> Particularly revealing is another passage by William of Auvergne on the validity of astrological predictions:

The common crowd, because of its multitude and paucity of intellect, as well as because of other evil dispositions, lives almost like brute animals. This crowd for the most part therefore follows its inborn natures. [...] It is swept into committing robberies, thefts, murders [...] In the same way wolves driven by hunger attack and eat men [...] A prediction can be made with certainty, and as rule for the whole. But the same prediction cannot be made for the particular. [...] This is because the wise, and those who dominate their passions, know that human passions are not to be obeyed. Through the virtuous use of free will the wise avoid following their passions. Indeed, they suppress and extinguish them in their own persons.<sup>69</sup>

In other words, while the poor and illiterate thus suffer from “a paucity of intellect” and “evil dispositions,” and therefore are living “like animals,” the wise prove themselves to be

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66 Ibid., 237-238. Cf. p. 241.

67 William of Auvergne, *De fide*, 2, 3 in *Opera omnia* (Paris 1674; reprint Frankfurt am Main 1963), 8: “grossities et turbiditas intellectus vulgarium, et indoctorum hominum,” cited in Murray, *Reason and Society*, 240.

68 Ibid., 242.

69 William of Auvergne, *De universo*, I-I, c. xlvi, in *Opera omnia*, 665: “Quia vero vulgus et multitudo ex paucitate intellectus, et aliis malis dispositionibus, pene ad modum brutorum animalium vivit, sequitur in multa sui parte radicales naturas [...] efferatur in rapinas, furta, homicidia [...] quemadmodum lupi invalescente fame saeviuunt in homines et devorant eos, cum aliis temporibus ab eis abstineant. [...] Praescientes igitur [...] praedicere possent [...] et hoc per conjecturam et sermone universali; particulariter autem, et singulariter de nullo hominum quicquam tale praescire vel praedicere possunt. Sapientes vero, et animis suis dominantes, sciunt non esse sequendas hujusmodi passiones; et voluntate per virtutem libera non sequuntur eas, immo in seipsis eas comprimunt et extinguunt.” Cited in Murray, *Reason and Society*, 242-43.

well-habituated by “dominating their passions” and by “suppress[ing] and extinguish[ing] them.”

Based on these examples we may safely conclude that the learned elites’ sometimes virulent disdain for the medieval *rustici* was based on the assumption that the latter, on account of their equally coarse and uncultured ancestors as well as the absence of rigorous education and habituation, lacked well-developed mental habits. From the perspective of the learned, the *rustici* did not differ all too much from Aristotle’s natural slaves. Hence, oppression and persecution may not have seemed excessive in order to keep the barely rational *vulgus* in its proper place.

Only after the discovery of the Americas and the Spanish encounter with the American natives, however, did the doctrine of natural slavery explicitly reappear in the mainstream of European scholastic thought. The Scottish theologian John Major in his *In secundum librum Sententiarum* (1510) appears to have been the first to propose the possibility that the newly-discovered Indians met the criteria of natural servitude. Later, this theory was enthusiastically embraced by, among others, Juan Ginés de Sepúlveda, but denied (if only in its traditional, Aristotelian sense) by the far more influential Francisco de Vitoria. Yet he, too, still questioned the extent of the Indians’ rationality; that he did so by explicitly comparing them to the rustics of the Iberian countryside is noteworthy:

[The Indians], it must be conceded, have lived for so many thousands of years outside the state of salvation through no fault of their own, since they have been born in sin and have had neither baptism nor the use of reason to prompt them to seek the things necessary for salvation. Thus if they seem very much insensate and slow-witted, I put it down almost exclusively to their evil and barbarous education (*educatio*), since even amongst ourselves we see many *rustici* who are little different from brute animals.<sup>70</sup>

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70 Vitoria, *De Indis*, I, i, 15, p. 30: “Item fuissent sine culpa sua tot milibus annorum extra statum salutis, cum essent nati in peccato et non haberent baptismum nec usum rationis ad quaerendum necessaria ad salutem.

Two points in this passage deserve particular stress. First, the emphasis on the Indians' inability to use their reason properly as caused almost completely (*maxima*) by their *educatio*, which not only means [formal] "education" but also, more generally, "upbringing." Second, Vitoria portrays Indians as equivalent to the ignorant and illiterate Iberian peasantry – and, theoretically at least, they would occupy the same social stratum.<sup>71</sup> This last observation is perhaps somewhat surprising, since it is a well-known fact that ancestry and heritage, as expressed in the concept *limpieza de sangre*, i.e., "purity of blood," became increasingly important in denoting social status in early modern Spain. Moreover, studies on colonial Spanish America regularly note that the application of the concept of *limpieza de sangre*, which involved both overt discrimination along genealogical lines as well as much surreptitious acceptance, "represented an important precedent for the treatment of non-Europeans in the New World."<sup>72</sup>

The original purpose of distinctions according to "*limpieza de sangre*" was to differentiate between the so-called "Old" and "New Christians." The latter were initially recent converts to Christianity who had decided, generally under significant pressure, to adopt the religion of the victors of the *Reconquista*; the label soon came to be applied to their descendants as well. But why, exactly, was it better to be an Old Christian? Scholarly

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Unde quod videantur tam insensati et hebetes, puto maxima ex parte venire ex mala et barbara educatione, cum etiam apud nos videamus multos rusticorum parum differentes a brutis animantibus."

71 Magnus Mörner, *Race Mixture in the History of Latin America* (Boston 1967), 41. See also pp. 55-56.

72 See e.g. James Lockhart and Stuart B. Schwartz. *Early Latin America. A History of Colonial Spanish America and Brazil* (Cambridge, etc. 1983), 10.

literature remains surprisingly silent on this question.<sup>73</sup> In the rare instances when modern commentators even raise the issue, they admit to their puzzlement.<sup>74</sup> The sources we have considered in this chapter, however, make the answer obvious: contrary to the New Christians, the Old Christians' ancestry had not been polluted by the kinds of flawed dispositions which would incline their bearers to stray from the straight and narrow path of reason and virtue. Tellingly, the Castilian word *raza*, meaning "race" or "pedigree," appears to have been derived from the Latin *ratio*, meaning, among other things, "reason" or "way of thinking."<sup>75</sup>

The non-Europeans in the New World, when they converted to Christianity, were New Christians by definition. Hence, they could not be trusted to resist their faulty dispositions without firm, but benevolent guidance of their more rational Spanish overlords. Consequently, the Indians were often portrayed and, in many ways, treated as children below the age of reason by their Spanish conquerors.<sup>76</sup> By law, the Indians were held to be minors

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73 For example, Albert Sicroff's *Les controverses des statuts de pureté de sang en Espagne du XV<sup>e</sup> au XVIII<sup>e</sup> siècle* (Paris 1960), which is still the standard work on *limpieza de sangre*, fails to address this question.

74 Jean-Pierre Dedieu, "Limpieza, pouvoir et richesse: conditions d'entrée dans le corps des ministres de l'Inquisition (tribunal de Tolède), XVI<sup>e</sup>-XVII<sup>e</sup> siècle," *Les Sociétés fermées dans le monde ibérique, XVI-XVIII<sup>e</sup> siècles. Définitions et problématique* (Paris 1986), 169-87: 187: "Je ne nie pas que le concept de pureté de sang ait joué, dans la conscience des acteurs, une rôle capital. Mais je suis obligé de constater que sa vérification a servi de prétexte à la mise en place d'une épreuve qui, plus que l'origine, testait toujours plus sévèrement la puissance sociale du candidat. Reste à savoir pourquoi on a estimé nécessaire le détour théologico-racial par la pureté de sang" [my emphasis]. John Edwards, in his "The Beginnings of a Scientific Theory of Race? Spain, 1450-1600," in Yedida K. Stillman and Norman A. Stillman eds., *From Iberia to Diaspora. Studies in Sephardic History and Culture* (Leiden 1999), 179-96, cites Dedieu (p. 195) to express his uncertainty regarding the same question.

75 The earliest known use of the word *raza* in Catilian, probably derived from the Latin *ratio* or *rationis*, occurs in the archpriest of Talvera's *El Corbacho* (1438), where the author finds it necessary to add the synonym *linaje*, or "lineage." See: Martin Alonso, *Diccionario medieval español. Desde las glossas Emilianenses v Silenses (siglo X) hasta al siglo XV, 2 vols* (Salamanca 1986), I:1544a, cited in Edwards, "The Beginnings of a Scientific Theory of Race," 193, n. 32.

76 See Anthony Pagden, *The Fall of Natural Man. The American Indian and the Origins of Comparative Ethnology* (Cambridge, etc. 1982) and especially pp. 57-108.



in a perpetual stage of tutelage.<sup>77</sup> The idealistic visionary Gerónimo de Mendieta, OFM (1525-1604) envisaged the future Indian commonwealth of New Spain as essentially a monastic schoolroom, thus foreshadowing the theocratic and paternalistic regime of the famous Jesuit missions in Paraguay.<sup>78</sup> Mendieta further remarked that the Indians were made to be pupils, not teachers.<sup>79</sup> Hence, throughout Spain's presence in Latin America, few Indians were ordained as priests.<sup>80</sup> After 1680 the Indians came to be legally classified as *miserabiles*, along with such persons as widows, orphans and paupers, who were considered unable to fend for themselves and thus ought to be given special legal protection.<sup>81</sup>

Blacks occupied a similarly subservient position in Spanish America. The ordinances of 1545 that were adopted for the governance of the African population in the New World explicitly denied that the African was the equal of the Spaniard. Even the Jesuit Alonso de Sandoval (d. 1652), a fierce defender of black slaves, conceded the inferiority of the African and reluctantly agreed with Aristotle that some men are born to serve their superiors.<sup>82</sup> Yet another indication for the perceived mental immaturity of the average African is provided by

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77 Clarence H. Haring, *The Spanish Empire in America* (New York 1963; original edition New York 1947), 200, also 189.

78 John Leddy Phelan. *The Millennial Kingdom of the Franciscans in the New World* (2nd rev. ed.; Berkeley and Los Angeles 1970), 69.

79 *Ibid.*, 61.

80 Robert Ricard, *The Spiritual Conquest of Mexico. An Essay on the Apostolate and the Evangelizing Methods of the Mendicant Orders in New Spain: 1523-1572* (Berkeley and Los Angeles 1966; original French edition: Paris 1933), 290ff.

81 Woodrow Borah, *Justice by Insurance. The General Indian Court of Colonial Mexico and the Legal Aides of the Half-Real* (Berkeley, etc. 1983), 80ff.

82 Frederick P. Bowser, *The African Slave in Colonial Peru, 1524-1650* (Stanford 1974), 222-23.

the fact that many masters addressed their black slaves, regardless of age, by the diminutive of their Christian names.<sup>83</sup>

As had been the case in the Greek and Roman societies of classical antiquity, ethnicity, rationality and, consequently, morality were still virtually coextensive in the Spanish-speaking transatlantic world.<sup>84</sup> In fact, little seems to have changed either in theory or in practice. Regarding the latter point, Tamar Herzog's treatment of ethnicity and nationality in *Defining Nations. Immigrants and Citizens in Early Modern Spain and Spanish America* offers a number of valuable insights.<sup>85</sup> According to Herzog, one of the basic premises of Castilian citizenship – whether of a local community or of the kingdom as a whole – is that in order to attain it, one had first and foremost to act as a citizen. While citizenship of a Castilian local community could be acquired by permanently settling in that community, paying taxes and fulfilling one's communal obligations, in Spanish America citizenship depended fully on social reputation. "In some odd way," Herzog writes, Spanish American practices revealed the essence of the Castilian view [on citizenship].<sup>86</sup> Thus, citizenship, and hence one's "Spanishness," was made conditional upon one's morality as perceived by one's neighbors.<sup>87</sup> Catholicism was the foremost condition for being accepted into a community

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83 Ibid., 224.

84 I therefore disagree with James Muldoon's conclusion that the seventeenth-century Spanish administrator Juan de Solórzano Pereira (1575-1654) had accepted, without realizing, a novel meaning of the term *barbarus* by "identif[ying] the barbarian with the individual who lacked reason rather than simply the person who did not know Greek or who was not subject to Roman jurisdiction." See James Muldoon, *The Americas in the Spanish World Order. The Justification for Conquest in the Seventeenth Century* (Philadelphia 1994), 41.

85 Tamar Herzog, *Defining Nations. Immigrants and Citizens in Early Modern Spain and Spanish America* (New Haven and London 2003).

86 Ibid., 62-63.

87 Ibid., also pp. 44-45. See also Edwards, "The Beginnings of a Scientific Theory of Race," 194: "[...] tests for noble, or *hidalgo*, status provided a precedent for investigations into purity of blood. In both cases, details of

and hence for becoming Spanish. By itself, however, it was insufficient: alien Catholics who wished to become members of municipal communities and, by extension, natives, could only do so if they also fulfilled the criterion of having a positive social reputation.<sup>88</sup>

Conversely, certain categories of people were permanently excluded from citizenship and thereby from being Spanish. For example, *converso* Jews and settled Gypsies living in eighteenth-century Majorca were rejected as citizens and natives because “it was well known” what kind of behavior could be expected from these groups.<sup>89</sup> Jewishness in this sense was not so much a religious trait as an inborn characteristic. A Spanish royal court to which these particular *conversos* had appealed the decision of their community offered the verdict that the appellants were blemished by a hereditary unbelief which had been acquired through descent.<sup>90</sup> Regardless of whether the reason was given as behavior in general or unbelief in particular, the Majorcan *conversos* and Gypsies were discriminated against on account of their supposed failure to act in a suitable moral manner. Their defective morality, we may safely infer, was considered to be rooted in the sinful behavior of their forefathers and the consequent inheritance of flawed ancestral dispositions; their *de jure* non-Spanishness and the resultant possession of an inferior ethnicity therefore cannot be ascribed to any externally visible physical trait, such as skin color or race. The only factors that truly decided ethnicity were reasonableness and morality – both understood to be for the most part

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parent and grandparents were sought, but the decision in practice depended on the willingness or otherwise of witnesses to testify on the candidates behalf.”

88 Herzog, *Defining Nations*, 120, 122.

89 Ibid., 120.

90 Ibid., 125.

determined by habituation and to a lesser, non-deterministic extent by the behavior of one's ancestors.

A comparison with Portuguese attitudes towards black Africans further highlights the significance of the emphasis upon inherited dispositions in such Spanish sources. Portuguese writers of the fifteenth and sixteenth centuries not only listed the physical defects (as they saw them) of blacks, but also elaborated on their numerous moral failings. Black Africans were condemned for their savagery, their "brutish ways," their libidinousness and their unorthodox religious practices. The chronicler Gomes Eanes de Zurara (ca. 1410 – 1474) referred specifically to their disordered moral conduct.<sup>91</sup> Moreover, the perceived irrationality and immorality of the average African evidently did more to set them apart from native Iberians than the color of their skin. The Portuguese playwright Gil Vicente (1465 – 1537) included black characters in four of his plays, generally in burlesque roles. In the *Forge of Love* (1524), individuals dissatisfied with their physical appearance were given the opportunity to change their bodily appearance. The first applicant was a black who wished to "become as white as a hen's egg." Although the transformation was successfully accomplished, the former black was dissatisfied because his speech remained confused and he was still unable to express himself with clarity in correct Portuguese.<sup>92</sup>

The legal discrimination in Spanish America between whites and *mestizos* on the one hand and Indians, blacks and *mulattoes* on the other was based on the notion that the former were *gentes de razón*, i.e., people of reason, while the latter were not.<sup>93</sup> Yet in contrast to skin

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91 A.J.R. Russell-Wood, "Iberian Expansion and the Issue of Black Slavery: Changing Portuguese Attitudes, 1440-1770," *American Historical Review* 83 (1978), 16-41: 39.

92 Ibid.

93 Haring, *The Spanish Empire*, 201; cf. Ricard, *The Spiritual Conquest*, 291.

color, for instance, medieval and early modern scholars insisted that the practical ability to reason is not immutable. As we have seen, the capacity to use reason is part of human nature and thus inherent in us all. Furthermore, education and habituation allow human beings to actualize their capacity to use reason. Some individuals, based on their ancestors' behavior, will have an easier time in actually doing so than will others, but the sheer capacity is necessarily present in us all. Hence, "race," like ethnicity – at least before the development of a scientific model of heredity which included the concept of immutable genes or a similar equivalent – remained malleable. Even so, August Weismann's postulation of immutable "germ cells," together with Herbert Spencer's social Darwinism, radically transformed nineteenth-century conceptions of race. As an unavoidable consequence, the nature of racism changed, too.<sup>94</sup> From a scientific perspective it was no longer possible to effectively change one's race or ethnicity through the judicious exercise of free will.

That such a thing indeed had once been possible, may be illustrated by the following cases. In 1568, Philip II explicitly prohibited the ordination of *mestizos*. Some years later, however, the pope allowed exceptions to this rule if the *mestizos* were personally virtuous. In 1588, Philip II followed the pope's lead by allowing the ordination of *mestizos* if preceded by a thorough investigation of the candidates' antecedents.<sup>95</sup> An even more explicit example is provided by the introduction in the second half of the eighteenth century of licenses – the so-called *cédulas de gracias al sacar* – which would make their purchasers legally white. Yet not all applicants would be allowed to purchase such a *cédula*. For instance, in 1783 the application of a prominent and wealthy *mulatto*, Bernardo Ramírez, was categorically rejected.

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<sup>94</sup> For the impact of this new, "scientific" racism on the social relations in Latin America, see Richard Graham ed., *The Idea of Race in Latin America, 1870-1940* (Austin 1990).

<sup>95</sup> Mörner, *Race Mixture*, 43-44.

By contrast, in 1796 another *mulatto*, named Julián Valenzuela, appears to have obtained his license easily, thanks to his “ways, education and habits” (*modales, educación y buenas costumbres*).<sup>96</sup>

Taken together, all these kinds of evidence should lead us to eschew any biologically-inspired language of race and ethnicity as not well-suited for describing the actual distinction between Indian and Spaniard *as it was perceived in the early modern period*. Instead, the difference between them ought to be framed in terms of morality and rationality; indeed one might say that in that era, morality and ethnicity completely coincided, so long as it is realized that both ethnicity and race have remained “soft” categories until at least the middle of the nineteenth century. Even so, one should not accept too readily the interchangeability of “morality” and “ethnicity” for early modern Iberians, given the improbability of an unqualified, affirmative answer to the question whether a vicious Spaniard could, through vice, ever become an Indian (as opposed to a “generic” barbarian).<sup>97</sup> It would be preferable, at this point in our discussion, simply to cease treating the terms “ethnicity” and “race” – together with all their misplaced nineteenth- and twentieth-century connotations – as useful analytical categories.<sup>98</sup>

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96 Richard Konetzke ed., *Colección de documentos para la historia de la formación social de Hispanoamérica, 1493-1810*, 3 vols (Madrid 1953-1958), III, 754, cited in Mörner, *Race Mixture*, 45. See also James Muldoon, *Identity on the Medieval Irish Frontier. Degenerate Englishmen, wild Irishmen, Middle Nations* (Gainesville 2003), in which the author argues that just as savage Irishmen were intended, under the guidance of their Anglo-Norman conquerors, eventually to become civilized Englishmen, the American Indians were expected, at some future time, to be assimilated fully into “white,” Spanish society; see esp. p. 139.

97 Although Muldoon (op. cit. n. 96) mentions (pp. 135-36) the example of the Spanish castaway Gonzalo Guerrero, who had “degenerated” so much as to have fully assimilated into indian society, it is unclear whether Guerrero had truly become an Indian, or could still be considered to belong to some “middle race.”

98 An example of the unfortunate consequences of not relinquishing the modern connotations of these terms is provided by Richard Hoffmann’s influential (as evidenced by its recent reprinting) article “Outsiders by Birth and Blood: Racist Ideologies and Realities around the Periphery of Medieval European Culture,” *Studies in Medieval & Renaissance History* 6 (1983), 3-34; reprinted in James Muldoon and Felipe Fernández-Armesto eds., *The Medieval Frontier of Latin Christendom: Expansion, Contraction, Continuity* (Aldershot 2008), 149-180. Hoffmann writes (p. 3): “This essay examines racialist or genetic ideas used to interpret social realities in three widely

If, however, morality and the ability to properly distinguish right from wrong were indeed the precise characteristics that were understood truly to separate Spaniard from Indian, why, then, were the Indians never subjected to methodical persecutions on account of their apparent immorality? This is not to say that the Indians did not suffer horrendously from the Spanish conquest and its aftermath – for they undeniably did so – but never, it seems, were the Indians collectively subjected to the kind of deliberate and uncompromising persecution that could befall the adherents of a medieval heresy. Rather than aimed at ruthless extirpation, the official Spanish policy was paternalistic in character. For instance, since the Indians were being regarded as in a state of tutelage, they did not fall under the jurisdiction of the Inquisition, although the Indians remained subject to episcopal discipline. Such discipline, however, was considerably less far-reaching and generally much milder.<sup>99</sup>

The Spanish refusal to apply the principles of their “persecuting society” to the Indians ultimately stems, as I argue below, from the gradual appearance of a new set of theological ideas beginning in the last quarter of the thirteenth century. The “intersection” of these relatively recent theological developments and the much older Aristotelian *habitus*-theory explains why influential sixteenth-century Spanish theologians, such as Francisco de Vitoria, Domingo de Soto and Francisco Suárez, no longer wished to apply absolute moral standards to the original denizens of the New World.

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distant peripheries of medieval Europe, the Celtic northwest, the Iberian Peninsula, and east-central Europe [...]” During the Middle Ages, however, the conception of an immutable genetic makeup was wholly absent. Furthermore, to find support for his examination of medieval “racist or genetic ideas,” Hoffmann mistranslates the Latin word *cognatio* (i.e. “blood relationship”) as “race.” (p. 3; p. 28, n. 2). More specifically, despite the complete absence of the concept of genetics in contemporary scientific thinking, Hoffmann labels *limpieza de sangre* as a “genetic criterion” (p. 11). Hoffmann thus claims that the Spanish “anti-*converso* movement conceived of its victims in genetic terms” (p. 12), which leads him to the mistaken (cf. my examples in the preceding paragraphs) conclusion that Spanish society was seen as “comprising genetic units immune to time and human action” (p. 13).

<sup>99</sup> Haring, *The Spanish Empire*, 189.

The “relatively recent” theological developments that most profoundly underlay this reluctance on the parts of Vitoria, Soto, and Suárez are best described as a new stress on divine omnipotence and freedom. The growing consideration for divine power had, by the mid-thirteenth century, come to be most prominently expressed in the distinction between God’s absolute and ordained power. *De potentia absoluta*, some theologians argued, God could do things that would violate the normally fixed rules he had put in place *de potentia ordinata* – and in doing so, God’s *potentia absoluta* would be “active” or “operationalized.” Recent research has convincingly shown that the majority of theologians evidently understood God’s *potentia absoluta* in just this way, as an active, operationalized power.<sup>100</sup> Thus, the God’s absolute power so conceived preserved divine freedom of action in the face of his immutable and inescapable ordinances, because, if God so desired, divinely instituted rules could be suspended, either temporarily or situationally. For some theologians, including the Dominican Robert Holcot (ca. 1290-1349), this meant that God could actively deceive us.<sup>101</sup> Of course, whenever God, who is omnipotent, should choose to deceive a mere human being, the victim could not overcome this deception. As a result, said victim must *necessarily* remain ignorant of the true state of affairs and, in effect, is therefore “invincibly” ignorant.<sup>102</sup> Less drastically, God may also choose to withhold his revelations from certain

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100 The modern historiography dealing with this distinction is both extensive and, occasionally, heated. For a more thorough discussion of this distinction and, especially, of some lingering misconceptions surrounding this dichotomy see below, chapter, 2, pp., nn. 25, 28, 30.

101 Katherine Tachau, “Logic’s God and the Natural Order in Late Medieval Oxford: the Teaching of Robert Holcot,” *Annals of Science* 53 (1996) 235-67: 248-51; id., “Robert Holcot on Contingency and Divine Deception,” in Luca Bianchi ed., *Filosofia e teologia nel Trecento; studi in ricordo de Eugenio Randi* (Louvain-la-Neuve 1994), 157-96. See also Joseph M. Incandela, “Robert Holcot, O.P., on Prophecy, the Contingency of Revelation and the Freedom of God,” *Medieval Philosophy and Theology* 4 (1994), 165-88 and Hester Goodenough Gelber, *It Could Have Been Otherwise. Contingency and Necessity in Dominican Theology at Oxford* (Leiden 2004), 200-21.

102 Tachau, “Logic’s God,” 251.



individuals; nevertheless, inasmuch as God cannot act out of an evil intention, he will under no circumstances hold the resulting lack of knowledge against us.<sup>103</sup>

One of the consequences of such speculations was the emergence of a so-called “obligational theology.” Instead of living up to a set of absolute standards, *viatores* were expected instead to fulfill the obligations God had imposed on them personally. No longer was it a given that these obligations would always and invariably be the same. It seems no coincidence that when, in the second quarter of the fourteenth century, the University of Oxford came to eclipse Paris as the hotbed of new and exciting theological speculation, Oxford Dominicans embraced this innovative position.<sup>104</sup>

Thomas Aquinas, whose work dated from several generations earlier, had not shared the Oxford Dominicans’ new position on obligational theology. In his *Quaestiones disputatae de veritate* Aquinas argues that explicit faith in both the Incarnation and the Trinity is always and without exception required in order to attain salvation. Hence, God will either send a preacher or provide direct illumination to those *ignorantes* worthy of being saved.<sup>105</sup> Thus, ignorance of Christian revelation automatically qualifies a person as an unreformed sinner who is unworthy of salvation. Moreover, since ignorance can only remain in the case of unworthiness, it would be hard to argue that it is possible to have an ignorance that would

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103 Ibid., 251-52; id., “Robert Holcot on Contingency and Divine Deception,” 188-89. See also Gelber, *It Could Have Been Otherwise*, 200-21.

104 Gelber, *It Could Have Been Otherwise*, 151-90.

105 Thomas Aquinas, *Quaestiones disputatae de veritate*, q. 14, a. 11, ed. Roberto Busa, S. Thomae Aquinatis opera omnia, vol. 3 (Stuttgart 1980): “Ad primum igitur dicendum, quod non sequitur inconueniens posito quod quilibet teneatur aliquid explicite credere etiam si in silvis vel inter bruta animalia nutriatur: hoc enim ad divinam providentiam pertinet ut cuilibet provideat de necessariis ad salutem, dummodo ex parte eius non impediatur, si enim aliquis taliter nutritus, ductum rationem naturalis sequeretur in appetitu boni et fuga mali, certissime est tenendum, quod deus ei vel per internam inspirationem revelaret ea quae sunt necessaria ad credendum, vel aliquem fidei predicatorem ad eum dirigeret, sicut misit Petrum ad Cornelium.”

be strictly speaking *invincible* of the basic tenets of the Christian faith. After all, one's ignorance would effectively, albeit indirectly, be conquered by living a virtuous life.<sup>106</sup>

While Vitoria appears to follow Aquinas closely, on this point there are notable and significant differences. Perhaps conveniently for Vitoria, Aquinas is not completely explicit on whether it is possible to have invincible ignorance of the Christian faith. Considering that in Aquinas' days there was no "New World" and that one might thus suppose that Christianity was universally known, the answer to this question would most likely have been in the negative.<sup>107</sup> Vitoria, however, assumes that Aquinas held that the absence of faith in those altogether unfamiliar with Christianity is excusable, even when their underlying unworthiness is inexcusable.<sup>108</sup> It may be that this is what Aquinas meant, but it is revealing that Vitoria tries to paint William of Auxerre's (d. 1231) position on the possibility of invincible ignorance of the articles of faith as in direct contradiction to Aquinas' while, in fact, *so far as William's argument goes* their conclusions are indistinguishable. The latter argues that invincible ignorance cannot excuse even an "ignorant, old woman" from knowing the true faith, for if she properly contemplates the elements of the faith that are self-evident, she

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106 Concerning this point, it should be noted that Aquinas portrays unbelief in those who never accepted the faith as a punishment, rather than as a sin in itself. However, in order for a punishment to be just, guilt must be present first. Therefore, ignorance of the faith is the result of having failed, at an earlier point, to properly use one's free will. See Aquinas, *Summa theologiae*, II-II, q. 10, a. 1; a. 6; q. 34, a. 2.

107 The belief in the existence of the Asian, Christian realm of Prester John was widespread in medieval Europe. Perhaps one reason for the strength of this belief was that its existence would have been an additional argument for the benevolence and completeness of divine providence. Additionally, Vitoria reports that *multi doctores*, including William of Auxerre, William of Auvergne, Jean Gerson and Hugh of St.-Victor, held that it is impossible for anyone to live in invincible ignorance of the commandments of the faith. See Vitoria, *De Indis*, I, ii, 12, pp. 57-8.

108 Vitoria, *De Indis*, I, ii, 13-14, pp. 59-61

will be “sufficiently illuminated” and thus the “true light” will not permit her to err.<sup>109</sup> In more complex situations, she will be assisted by the Holy Spirit, “unless she herself should be at fault.”<sup>110</sup> More generally speaking, individuals are permitted to err, because God, on account of their sins, has not sent “true teachers” to all peoples.<sup>111</sup> In short, William asserts that as long as one has done all that is possible to do oneself, God will provide supernatural assistance where one’s own efforts are insufficient. Any absence of such assistance, he maintains, is a clear indication of guilt and sinfulness.

Precisely the same conclusion as William’s, however, could be drawn from Aquinas’ argument in his *Quaestiones disputatae de veritate* – a work which Vitoria knew, but does not cite here.<sup>112</sup> Aquinas’ additional claim from his *Summa theologiae* that unbelief in those who never accepted the faith is a punishment, rather than a sin in itself – a claim that Vitoria adduces as proof that Aquinas holds a contradictory position – does not automatically change that interpretation.<sup>113</sup> Moreover, Vitoria’s implicit conclusion that unbelief may be invincible, even when its underlying cause is not, seems contrived, to say the least. It thus appears

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109 William of Auxerre, *Summa Aurea* III, tract. XII, cap. vii, q. 4, ed. Jean Ribailier (Paris and Rome 1986), 231: “Nec excusata est in vetula invincibilis ignorantia respectu huius articuli ‘Filius Dei esse equalem Patri in omnibus,’ quia non potest addiscere ab alio. Habet enim quiddam per se notum in intellectu suo speculativo, scilicet Deum esse. Quod si bene consideret, glorificabit Deum; et sic aperiet hostium, ut intret lux vera que illuminet eam sufficienter, nec permittet eam errare.”

110 Ibid., 230-31: “Si aliquis hereticus predicat nomine Augustini [...] ad distinguendum [...] iuvabitur vetula a Spiritu Sancto, nisi ipsa sit in culpa.”

111 Ibid., 231: “Sed quando homines sunt sine doctore isto, difficile est recte credere de Deo, et sepe contingit quod propter peccatum populorum non mittit eis Dominus veros doctores.”

112 See above n. 105. For clear evidence of Vitoria’s knowledge of Aquinas’ *Quaestiones disputatae de veritate*, see the former’s *De eo ad quod tenetur homo cum primum venit ad usum rationis*, ed., Teofilo Urdanoz OP, Obras de Francisco de Vitoria. *Relecciones teologicas*, 1302-1375: 1371.

113 See above n. 106.

probable that Vitoria exploited an ambiguity in Aquinas' writings, in order to claim the latter's authority for an argument that may directly contradict Aquinas' intended meaning.

Vitoria's purpose in doing so seems to have been his desire to argue that it is possible to be invincibly, and therefore *eo ipso* excusably, ignorant of the basic tenets of Christianity and, furthermore, that because of this guiltlessness such *ignorantes* as the Indians could ultimately be saved. Vitoria does not argue that explicit faith in Christian dogma is unnecessary, but rather that it is possible to do "what is in oneself" and still "for some time" remain invincibly ignorant of the true faith.<sup>114</sup> Hence, some of those who ultimately will be found worthy could struggle *blamelessly* through most of their lives as infidels, gradually habituating themselves to virtue and perhaps readying themselves for last-minute divine assistance.

Similarly, Domingo de Soto argued, albeit with some reservations, that those who are invincibly ignorant of Christian doctrine may be saved by implicit faith alone.<sup>115</sup> Suárez held that in order to be saved it is necessary to have explicit faith, but that explicit faith could be had *in voto*, that is, in the form of an implicit pledge to believe explicitly once the faith had been properly expounded by a trustworthy preacher.<sup>116</sup> From these examples, it should be clear that Vitoria and Suárez, and Soto at least in theory, maintained that those raised in a non-Christian environment are held to different standards than those growing up with the full benefits of a Christian education, orthodox preaching and the efficacious assistance of

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114 Vitoria, *De eo ad quod tenetur homo*, 1335. For a more extensive discussion see chapter 6, below.

115 Domingo de Soto, *In quartum Sententiarum* (Salamanca 1557-60; reprint Salamanca 1581), d5, q1, a2, 246. See chapter 6, pp., 296-97, below.

116 Francisco Suárez, *De triplici virtute theologica, fide, spe, et charitate*, tract. 1, disp. XII, s. iv, 18-19, in *Opera omnia*, vol. 12 (Paris 1858), p. 357. See chapter 8, pp., 336ff, below.

the Catholic sacraments. With this in mind, one may argue that the notion of obligational theology, as proposed by the fourteenth-century Oxford Dominicans, did indeed to some extent influence their fellow Dominican Vitoria and, directly or indirectly, the latter's followers.<sup>117</sup>

Vitoria's stance regarding the excusability of invincible ignorance and the consequent possibility of salvation for the blamelessly ignorant, leads to two notable conclusions. First, he argues that it is possible for some people, such as the Indians, to be invincibly ignorant of something that earlier theologians like William of Auxerre had deemed self-evident (*per se notum*), namely the existence of God. Second, it is not only the Indians who suffer from invincible ignorance, but so do Vitoria and his fellow theologians with regard to the moral state of the former. If it is possible to lack explicit faith in the Trinity and the Incarnation and nonetheless be blameless, it is consequently much harder, figuratively speaking, to separate the sheep from the goats. Of course, that the Indians' ignorance of these dogmas may be excusable does not entail that the Indians are entirely free from guilt: they may very well damn themselves by their idolatry or their deficient morality in general. However, instead of being almost irreversibly mired in a life of sin, they may also be making slow but earnest progress toward proper virtue. One can no longer easily tell.

If anyone, including well-educated (and presumably well-habituated) theologians can be faced with insurmountable doubt, then it is impossible always and invariably to obey absolute moral standards. Undaunted, Vitoria took this difficulty into account, even providing a solution in both his *De Indis* and, more extensively, in his *De eo ad quod tenetur homo*. *De Indis* offers the more concise summary:

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<sup>117</sup> For a fuller discussion of Vitoria's acceptance of an obligational theology, see chapter 6, below.

Whenever an action is proposed, which can deservedly be doubted [as to whether it] be good or bad, just or unjust, then it is expedient to question and deliberate, rather than to act rashly without having investigated what is lawful and what is not. [...] Thus, when there is no other way to be certain, in order for an act to be good, it is required, that said act be in accordance with the ruling and verdict of wise men. [...] Therefore in order to be safe in one's actions and conscience, it is not sufficient for someone to judge by himself that he acts well. In cases of doubt it is necessary that he depend on the authority of those qualified to resolve such matters.<sup>118</sup>

Thus, following the opinion of “wise men” may be a substitute for knowing what is objectively right. Yet, Vitoria goes even further:

For this reason I do not think true what Cardinal Cajetan says, namely that if something is licit in itself; and if [someone] should come for a judgment [regarding it] to preachers or confessors who would otherwise have the authority to judge such matters, and if they should say that this is illicit, or say that a venial sin is mortal one, [then] he who, through a desire to do this thing, does not believe [these authorities] but instead decides in his own conscience that the act [under consideration] is not a mortal sin, does not [according to Cajetan] commit a sin [despite having ignored proper authority]. [...] But this, I say, is a dangerous principle, for [a person] must believe the experts concerning what is necessary for salvation, and those who commit acts that in the opinion of wise men are mortal sins expose themselves to danger.<sup>119</sup>

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118 Vitoria, *De Indis*, I, 2-4, pp. 6-8: “Sed cum aliquid agendum proponitur, de quo dubitari merito potest an sit rectum vel pravum, iustum aut iniustum, de his expedit consultare et deliberare, neque prius temere aliquid agere, quam sit inventum et exploratum, quid liceat aut non liceat. [...] Ad hoc enim ut actus sit bonus, oportet, si alias non esset certum, ut fiat secundum diffinitionem et determinationem sapientium. [...] Itaque non satis est ad securitatem vitae et conscientiae, ut quis putet se bene agere, sed in rebus dubiis necesse est, ut aliorum, ad quos spectat, auctoritate nitatur.”

119 Ibid., I, 4, pp. 8-9: “Unde non puto verum quod cardinalis Caietanus dicit quod, si re vera aliquid secundum se est licitum, si veniat ad iudicium et praedicatores vel confessores, qui alias habent auctoritatem iudicandi in istis, dicant id esse illicitum, vel si veniale dicant esse mortale, qui ex affectu ad rem non credit illis, sed format sibi conscientiam quod non est mortale, non peccat. Exemplum ponit, ut quod feminae utantur fuco et aliis ornamentis superfluis, quod re vera non est mortale, dato quod praedicatores et confessores dicerent esse mortale, si femina ex studio se ornandi non credit, sed putat vel esse licitum vel non esse mortale, non peccat mortaliter ita se ornando. Hoc, inquam, periculosum est. Nam femina tenetur credere peritis in his quae sunt necessaria ad salutem, et exponit se periculo faciens contra illud, quod secundum sententiam sapientum est mortale.”

What Vitoria is saying here is that the opinions of “experts” and “wise men” with regard to the acquisition of grace eclipse any objective and immutable standards of right and wrong. Just as it is more important to obey proper authority than (accidentally) to follow all the right rules, one may safely commit objectively wrong acts, as long as “wise men” have judged these acts to be lawful and licit. If, as Vitoria notes, the person has done “all that is in him,” by soliciting sincere advice, actions may be entirely excused on account of the invincibility of his ignorance regarding the true state of affairs.<sup>120</sup> Of course, Vitoria has good reason for holding this position. If even the best and brightest from time to time suffer from invincible ignorance, then the fallible judgments of *sapienti* are at least reliable in the sense that such judgments, in contrast to comprehensive and unambiguous divine revelations, need never be lacking.

The implications of this argument are significant as we consider medieval conceptions of tolerance. From a medieval perspective, one can never tolerate what is agreeable. Instead, tolerance is applied only to evil, that is, *tolerantia* consists of voluntary non-interference, in order to avoid a greater evil, with what is deemed wrong and improper. This concept of *tolerantia* allowed medieval elites to come to terms with the outer, even non-Christian world.<sup>121</sup> Thus, *tolerantia* always required for its extension to others that those who extended it deemed themselves capable of determining which alternative constituted the lesser evil; hence, *tolerantia* was, in fact, a corollary of a belief in an absolute and *known* morality. With this in mind, it must seem obvious that medieval tolerance and persecution

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120 Ibid., p. 9: “Et e contrario in re dubia, si quis deliberavit cum sapientibus et accepit determinationem quod illud est licitum, talis est tutus in consciencia, quousque fortasse iterum sit admonitus vel tali auctoritate vel humanis rationibus, quibus merito debeat moveri ad dubitandum vel etiam credendum contrarium. Hoc est notum quia facit quod in se est sic ignorantia est invincibilis.”

121 See Bejczy, “*Tolerantia*.”

emerged not from opposite, but rather from similar worldviews. When confronted with apparent immorality, medieval elites could decide, depending on circumstances, whether interference or non-interference was the greater evil and either *tolerantia* or persecution would follow.

Yet, the acceptance of the assumption that invincible ignorance could be present, whether in a *litteratus* or a *rusticus*, removed the certitude on which such decisions depended, which, in turn, made it preferable to leave final judgment to God – that is, to follow the course of non-interference and tolerance. Still, complete inaction in matters regarding morality and correct religious belief could not yet be justified and partial remedies to compensate for the disappearance of moral certitude were sought. As we have seen, Vitoria’s answer was to put one’s trust in the judgment of the wise. By doing so, however, Vitoria launched himself onto to a slippery slope.<sup>122</sup> After all, who gets to decide who the “wise men” are? What if the wise disagree among themselves. Questions such as these eventually led to the increasing irrelevancy and eventual disappearance of “moral gatekeepers.” Or, to phrase it differently, the *locus* of “right” gradually shifted from objective reality to a subjective consensus of “wise men,” and eventually came to be firmly lodged within the individual. This, in a nutshell, is how the notion of “natural rights” was born.

This is not to say that Vitoria somehow “invented” the concept of natural rights. As Brian Tierney has pointed out, certain elements of the natural right-theory went back at least

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122 Others have described this step not altogether unfairly (if one overlooks the loaded term) as Vitoria’s “betrayal of Thomism.” For a (more sober) discussion of said viewpoints see Daniel Deckers, *Gerechtigkeit und Recht. Eine historisch-kritische Untersuchung der Gerechtigkeitslehre des Francisco de Vitoria (1483-1546)* (Freiburg 1991), 80ff; Brian Tierney, *The Idea of Natural Rights. Studies on Natural Rights, Natural Law and Church Law 1150-1625* (Atlanta 1997), 27ff.



to the writings of twelfth-century canon lawyers.<sup>123</sup> But Vitoria did play a role. Secularized versions of medieval theories of subjective rights, moreover, did end up as Enlightenment natural right-theories (and onwards, again, as twenty-first-century theories of human rights).<sup>124</sup> What has so far been missing from this account, however, is the far from insignificant impact of the concept of invincible ignorance on these developments. That is the subject of the following.

### Conclusion

At this point, let us pull together the threads we have been considering in the preceding pages, which constitute an argument for the importance of the concept of invincible ignorance in the transition from objective, to subjective, to human right. It is safe to assume that the increasing contact with non-Europeans and their “alternative lifestyles” (to borrow a modern phrase) provoked some Europeans to question their traditional convictions and the supposed superiority of their institutions, as expressed, for example, in eighteenth-century travel literature, both fictional and non-fictional.<sup>125</sup> More generally, even the theoretical possibility of a different kind of civilization may have spurred some Europeans to question their own. For instance, it is not a coincidence that the archetypical utopian novel, i.e., Thomas More’s *Utopia*, was written not long after the beginning of the Age of Exploration, rather than being a product of the geographically much smaller and far

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<sup>123</sup> Tierney, *The Idea of Natural Rights*, 34ff.

<sup>124</sup> Ibid., 41 for Vitoria’s understanding of *iura* as subjective rights and pp. 343ff for the claim that medieval subjective rights-theories influenced Enlightenment thought.

<sup>125</sup> Perhaps the most famous example is Montesquieu’s *Lettres persanes* (1721), in which the author takes a twist on the genre by having two Persians visit Paris, where they find, besides a culture that in some respects is superior, much that is irrational and comic.

less diverse medieval world.<sup>126</sup> One result of this expansion of the surrounding world was that the limits of revelation became more noticeable. Prior advances in scholastic theology stressing God's ability to suspend or modify his established rules had already set the stage for this development. As a consequence, the realm of invincible ignorance, so to speak, increased dramatically, causing not so much the disappearance of certitude as such, but rather a shift in what one could be certain about. Certitude about a metaphysical, yet supposedly objective reality gradually gave way to certitude about a set of minimum legal standards regarding the subjective individual in the physical world. Had post-medieval *literati* not been willing to recognize their own invincible ignorance regarding the true state of affairs in the metaphysical sphere, this might not have happened and methodical persecution might still be a day-to-day reality in the Western world.<sup>127</sup>

In order to understand how invincible ignorance could be ascribed collectively to entire nations, we must attend to Aristotle's theory of *habitus* and its implications. Without the notion that bodily dispositions are acquired as the result of moral activity and that these dispositions may be inherited by subsequent generations, one cannot fully explain why the Spaniards considered the Indians to be legal minors subject to forced tutelage throughout their rule in Latin America. Furthermore, the Aristotelian understanding of habituation explicates how certain individuals have been able to cross ethnic boundaries, regardless of physical characteristics. Finally, the concept of *habitus* offers a psychological explanation for

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126 This despite the (inevitable) attempts to discover medieval precedents for More's *Utopia*. See e.g. Janet Coleman, "The Continuity of Utopian Thought in the Middle Ages. A Reassessment," *Vivarium* 20 (1982), 1-23; Frank E. Manuel and Fritzie P. Manuel, *Utopian Thought in the Western World* (Cambridge, MA 1979), esp. pp. 48-54; Jean Séguy, "Une sociologie des sociétés imaginées: monachisme et utopie," *Annales, économies, sociétés, civilisations* 26 (1971) 328-54; Ferdinand Seibt, "Utopie im Mittelalter," *Historische Zeitschrift* 208 (1969) 555-94.

127 It is relevant to note that the very worst persecutions of the twentieth century occurred in the name of higher, absolute "truths," be it the superiority of a particular race or the supreme good of a classless society – neither of which have ever been confirmed by observations from the physical world.

invincible ignorance. In this sense, the theory served as a more “scientific” counterpart to the theological concession that it was possible for some to be invincibly ignorant of the Christian faith.

On a final note, I wish to present this chapter as a revealing example of historical causation through ideas. One thing I do *not* wish to do, in this regard, is to argue that the Indians were not, strictly speaking, subjected to methodical and uncompromising persecution *only* because of innovative theological speculation. It was never a given that, for example, Sepúlveda’s arguments for forced evangelization through conquest and war would not triumph. However, those who opposed his viewpoints for whatever reason (and purely intellectual considerations *may* have been included) could justify their position by exploiting the potential cracks in the established pattern of persecution, caused by the recent appearance of a new concept of divine omnipotence. Thus, we may conclude that the American Indians could have been even more unfortunate in their encounter with Europeans if medieval theologians had not reached the conclusions they had. With this realization in mind, we must now turn, in much greater detail, to the high-stakes enterprise of medieval scholastic theology.

## CHAPTER 2

## THE THEOLOGICAL BACKGROUND: AQUINAS VS. SCOTUS

Late Medieval Nominalism

In order to appreciate fully the place and import of the concept of invincible ignorance in the history of medieval theology, we must first provide a sketch of said history. During the Middle Ages, all university-trained theologians, either through preparatory study at an Arts Faculty, or – if the student belonged to a religious order – through a comparable training provided by monastic or conventual schools, first received a thorough education in philosophy. Subsequently, this philosophical background was to be fruitfully employed in advanced theological speculation. Indeed, theology students were themselves often the teachers of the arts curriculum. Hence, the history of medieval theology is often, and not entirely unjustly, portrayed as reflecting the underlying philosophical fashions of the day. Accordingly, the “textbook understanding” of the development of medieval scholasticism is heavily informed by the juxtaposition of nominalism and realism.<sup>1</sup>

Traditionally, the terms “nominalism” and “realism” have been used to denote opposing philosophical viewpoints regarding the question of the extramental existence of universals. Plato, generally taken as the archetypical realist, held that all individual things present in the physical world are but weaker reflections of “Ideas,” which possessed a real,

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1 For the historiography on the significance and character of medieval nominalism see the valuable contributions by William J. Courtenay: “In Search of Nominalism: Two Centuries of Historical Debate,” in Alfonso Maierù, ed., *Gli studi di filosofia medievale fra Otto e Novecento, contributo a un bilancio storiografico: atti del convegno internazionale Roma 21-23 settembre 1989* (Rome 1991), 233-51; “Late Medieval Nominalism Revisited: 1972-1982,” *Journal of the History of Ideas* 44 (1983), 159-64; and “Nominalism and Late Medieval Thought: A Bibliographical Essay,” *Theological Studies* 33 (1972), 716-34.

even superior existence in the metaphysical realm.<sup>2</sup> In other words, any individual horse, which we can see, smell, and touch, is merely an imperfect reflection of the universal Idea “horse.” By contrast, nominalists, so we are told, maintained that “horse” (as opposed to *this* or *that* horse) was nothing more than a name, or *nomen*, without any real existence outside of the human mind.

When these notions of “nominalism” and “realism” are applied to history of medieval philosophy and theology, we arrive at the following story.<sup>3</sup> In the early twelfth century, Peter Abelard, inspired by the much cruder ideas of a certain Roscelin, succeeded in introducing nominalism into the intellectual discourse. Yet, if not for his philosophical positions, then at least Abelard himself could be seen as suspect on account of his sexual involvement with his pupil Heloise and his doctrinal clashes with the undeniably orthodox Bernard of Clairvaux. Fortunately, then, in the thirteenth century nominalism was exchanged for a now moderated realism, which allowed for a return to fruitful theological speculation, culminating, most spectacularly, in Thomas of Aquinas’ *Summa theologiae*. After this apex of scholastic achievement, however, overzealous philosophical speculation, furthered once more by an individual of suspect orthodoxy, namely William of Ockham, led to the reintroduction of nominalism in the fourteenth century. The concomitant epistemological and ontological rejection of universals caused much damage: it destroyed metaphysics and natural theology, so that, in the works of Ockham and his followers, theological and moral

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2 This aspect of Plato’s ontology is most famously expressed in the well-known simile of the cave. See Plato, *The Republic*, VII, 514a-520a. Ideas, also called Forms, possess a superior form of existence compared to particular things since they would exist (and would continue to exist) even if our minds were not there to recognize them.

3 The following paragraphs largely depend on Courtenay, “In Search of Nominalism;” Marcia L. Colish, *Remapping Scholasticism*. The Etienne Gilson Series 21 (Toronto 2000); and Katherine H. Tachau, “What Has Gothic to Do With Scholasticism?” in Colum Hourihane ed., *Gothic Art and Thought in the Later Medieval Period: Essays in Honor of Wilibald Sauerländer* (University Park, PA 2011), 14-34: 22ff.

doctrine came to depend solely on the arbitrary and omnipotent will of God. Thus, nominalism caused a painful and entirely unnecessary divorce between faith and reason. As a result, many nominalists subscribed to a doctrine of double truth and consequently, if sometimes inadvertently, propagated skepticism and fideism.

Both recent and not-so-recent research, however, has convincingly shown that much of this narrative is quite wrong. These new insights are partly due to the greater accessibility of (microfilmed) manuscripts and the ever growing availability of critical editions of late medieval theological texts. Assisted by these advances, scholars such as Paul Vignaux, Philotheus Boehner, E.A. Moody and Heiko Oberman, have, from the 1930's onward, significantly moderated, if not entirely refuted the supposed destructiveness of nominalism.<sup>4</sup> Oberman, for instance, has shown that nominalism neither divorces faith and reason nor requires its adherents to subscribe to a doctrine of double truth.<sup>5</sup> Additionally, William Courtenay and Katherine Tachau, by a close reading of the sources, have shown that, contrary to established wisdom, Ockham's theological thought had *not* been subject to any censure at the University of Paris in the mid-fourteenth century.<sup>6</sup> Likewise, the prohibition in 1474 of nominalist teaching at the University of Paris appears to have had little, if anything, to do with its theological orthodoxy.<sup>7</sup>

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4 For the contributions of these authors see the bibliographical articles by Courtenay mentioned *supra* n. 1.

5 Heiko Oberman, *The Harvest of Medieval Theology. Gabriel Biel and Late Medieval Nominalism* (Cambridge MA 1963), 38-42 and *passim*.

6 See William J. Courtenay and Katherine H. Tachau, "Ockham, Ockhamists, and the English-German Nation at Paris, 1339-1341," *History of Universities* 2 (1982), 53-96.

7 It is important to note that the prohibition originated with the King of France, rather than the ecclesiastical hierarchy, which would normally be expected to deal with the preservation of religious orthodoxy. Nominalist books were to be purged from the various university libraries, but this measure was effective for a few months at most. The prohibition itself was lifted in 1481. Moreover, there are indications that the ban on nominalist teaching was the result of either inter-university political quarrels, or an attempt by Louis XI to placate the

Besides having been able to profit from a larger body of source material, the aforementioned modern scholars share at least one other characteristic: none of them – at least in their scholarly work – has subscribed to the doctrines of Neo-Thomism. Both Courtenay and Tachau, as well as Marcia Colish, have noted that the traditional narrative of the history of medieval scholasticism, including the supposed “destructiveness” of nominalism, has been heavily influenced by the theological considerations of historians of a Neo-Thomist persuasion.<sup>8</sup> From the publication of the encyclical *Aeterni Patris* (1879) until Vatican II, the Catholic Church was officially committed to the revival of a “Christian philosophy” along the lines laid out by the Dominican friar Thomas Aquinas.<sup>9</sup> In the light of this decision, from an average Catholic perspective it could be considered fitting to consider Aquinas’ work as the apex of scholastic thought and to attribute its subsequent decline to a Franciscan friar, namely Ockham, who was known for having clashed with papal authority.<sup>10</sup>

Although awareness of this Neo-Thomist bias in the historiography of late medieval thought has been growing among medievalists, it appears this has not (or much less so) been the case in the field of early modern studies. My specific goal in calling attention to this situation is to question the often-made assumption among early-modernists that Vitoria and

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pope by dismissing the conciliarist nominalists from the University. See Astrik L. Gabriel, “*Via antiqua* and *Via moderna* and the Migration of Paris Students and Masters to the German Universities in the Fifteenth Century,” in A. Zimmermann ed., *Antiqui und Moderni Miscellanea Medievalia* 9 (Berlin 1974), 439-83: 447-48.

8 Courtenay, “In Search of Nominalism,” 240-41; Colish, *Remapping Scholasticism*, 5-8; Tachau, “What Has Gothic to Do With Scholasticism?” 22-23.

9 For the beginnings and development of nineteenth- and twentieth-century Neo-Thomism see P.J. FitzPatrick, “Neoscholasticism,” in Kretzmann *et al.* eds., *The Cambridge History of Later Medieval Philosophy*, 838-52.

10 Significantly, FitzPatrick notes (*op. cit.* n. 9, p. 841) that after ca. 1850 the call for a return to scholasticism was accompanied by “a militant ultramontanism.” Ockham’s rejection of absolute papal sovereignty may therefore have been an additional reason to vilify his intellectual legacy.

his followers, who based much of their work on the “sound” thought of Aquinas, could not have been influenced (or at least, more than barely so) by ideas which originated in the “destructive” nominalist tradition.

Additionally, it is no longer clear whether our traditional understanding of the term “nominalism,” that is, a philosophical position pertaining to the extramental (non-)existence of universals, is actually correct. The twelfth-century label *nominalis* could either be derived from the axiom (*positio*), traditionally ascribed to nominalists, that any genus (e.g. “horse”) is merely a name (*genus est nomen*), or instead from the notion that the meaning of nouns, as well as verbs, does not fundamentally change if they are declined or conjugated according to number, gender or tense. The latter *positio*, reflecting a firm belief in the “unity of the noun” (*unitas nominis*), would lead to the subsequent conclusion that what once has been true, will always be true (*quod semel est verum, semper est verum*).<sup>11</sup> Further muddying the waters, Sten Ebbesen has shown that the *nominales* formed one of *many* schools that existed in the later twelfth century. The *reales*, moreover, not only did not exist at that time, but any non-nominalist group could be labeled as “realist.”<sup>12</sup> Consequently, the neat (and admittedly attractive) juxtaposition of realism and nominalism seems to have been an invention after the fact. Despite these new uncertainties, two conclusions appear to be undisputed: first, the *nominales* did not become a school until sometime after 1140 and they disappeared around

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11 For the *status quaestionis* on twelfth-century nominalism see the thematic volume on this subject *Vivarium* 30:1 (1992). The theory that the term “nominalism” was derived from a shared belief by its adherents in the “unity of the noun” was first proposed in the 1930’s by M.-D. Chenu, and more recently defended by Calvin Normore and William Courtenay. See Courtenay, “Introduction,” *Vivarium* 30 (1992), 1-3; and especially Normore, “Abelard and the School of the *Nominales*,” *ibid.*, 80-96.

12 Sten Ebbesen, “What One Must Have an Opinion About,” *Vivarium* 30 (1992), 62-79. See also Y. Iwakuma and Ebbesen, “Logico-Theological Schools from the Second Half of the 12th Century: A List of Sources,” *ibid.*, 173-210.



1210 at the latest.<sup>13</sup> Second, it is unclear whether by the mid-thirteenth century the original, twelfth-century meaning of the term *nominalis* was still understood.<sup>14</sup>

We next hear about nominalism only in 1474, when Parisian nominalists protested their expulsion from the University and claimed William of Ockham as one of their notable predecessors.<sup>15</sup> Yet, their claim notwithstanding, at present we know of no sources contemporary to Ockham in which he, or any other fourteenth-century scholar, was labeled a nominalist. Hence, the connection between the twelfth-century *nominales*, Ockham and his followers, and the late fifteenth-century Parisian nominalists is tenuous at best. Furthermore, as Tachau has pointed out, fourteenth-century theologians, whom modern scholars have identified as nominalists, were not invariably in agreement with each other, nor invariably in disagreement with so-called “realists” – even in matters that are customarily considered to be fundamental to the distinction between the two groups.<sup>16</sup> Additionally, Ockham’s “nominalist” epistemology gained few adherents; and hence his reported role as the main proponent in the revival of nominalism (as traditionally understood) has to have been misconceived.<sup>17</sup> Similarly, the once widely held view that a rejection of the extramental

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13 For the consensus view, limited as it may be to specialists actually familiar with the primary sources themselves, see Courtenay, “Introduction,” 3.

14 As the continuing debate about the meaning of “nominalism” indicates, sources from this period have been insufficiently helpful to decisively answer this question. For the sources themselves, see Ebbesen and Iwakuma, “Logico-Theological Schools.”

15 This document has been printed in Franz Ehrle, *Der Sentenzenkommentar Peters von Candia, des Pisaner Papstes Alexanders V: ein Beitrag zur Scheidung der Schulen in der Scholastik des vierzehnten Jahrhunderts und zur Geschichte des Wegestretes* (Münster 1925), 322-26.

16 As argued by Tachau with regards to the medieval notions of abstract and intuitive cognition in her *Vision and Certitude in the Age of Ockham: Optics, Epistemology, and the Foundations of Semantics, 1250-1345* (Leiden 1988).

17 Ockham’s rejection of visible species, although widely discussed, generally failed to convince his contemporaries. See Tachau, *Vision and Certitude*.

existence of universals somehow led Ockham and his like-minded followers ineluctably to reject a papal-centric form of Church government has been shown to be incorrect.<sup>18</sup> In short, while our understanding of twelfth-century nominalism is subject to serious dispute, the traditional conception of fourteenth-century nominalism, it must now be concluded, is almost entirely wrong.

How, then, should we define late medieval “nominalism?” Indeed, should we even continue to use this label? After all, the term itself appears to have largely, if not completely, disappeared between roughly the mid-thirteenth and the late-fifteenth centuries. Heiko Oberman, however, has argued for an approach that would allow us to continue to fruitfully employ “nominalism” as a meaningful moniker. Oberman, in an important article and later in his *The Harvest of Medieval Theology*, suggested that “nominalistic theology” is not the result of a nominalist epistemology, but rather that “nominalistic philosophy” is merely “the reflection and echo” of a nominalistic theology.<sup>19</sup> Nominalism, then, “is not a doctrinal unity,” but rather “a common attitude.” Basic to this attitude is a deep concern with the liberty and omnipotence of God, which is expressed first and foremost by stressing the distinction between God’s *potentia absoluta* and *potentia ordinata*. According to Oberman, this distinction plays “explicitly, or implicitly, a vital part in the theology of all the representatives of the nominalistic movement.”<sup>20</sup> Following Francis Oakley, I will accept this definition,

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18 See Charles Zuckerman, “The Relationship of Theories of Universals to Theories of Church Government: A Critique of Previous Views,” *Journal of the History of Ideas* 35 (1975), 579-94.

19 Heiko A. Oberman, “Some Notes on the Theology of Nominalism: With Attention to Its Relation to the Renaissance,” *The Harvard Theological Review* 53 (1960), 47-76: 50.

20 *Ibid.*, 55-56.

albeit with several important reservations.<sup>21</sup> As a result of Tachau's findings, I am less convinced than Oberman that a "nominalistic theology" must lead to a nominalist epistemology. Consequently, "nominalism," as a label, appears no longer descriptive of what it purports to cover – although Courtenay and Colish have made promising attempts to link the twelfth-century *unitas nominis*-theory with thirteenth- and fourteenth-century conceptions of God's *potentia absoluta*.<sup>22</sup> Finally, we should also remember that the label is anachronistic when applied to fourteenth- and early fifteenth-century theology. Yet, I fully agree with Oberman and Oakley that the fourteenth century was witness to a new theological stress on divine omnipotence, which lead a significant number of pioneering theologians to explore common themes related to this issue. Rather than inventing a new label, we might just as well denote this intellectual and ideological kinship with the term "nominalism."

Before further considering the possibility that Vitoria and his followers were substantially influenced by nominalist ideas, we must first determine what we understand a "nominalistic theology" to be. Oberman believed that nominalist theologians, characteristically, made extensive and fruitful use of a distinction between God's absolute and ordained powers. This distinction, as well as the topic of divine omnipotence in general, will therefore be the starting point of our subsequent discussion.

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21 For Oakley's position see his "Pierre d'Ailly and the Absolute Power of God: Another Note on the Theology of Nominalism," *The Harvard Theological Review* 56 (1963), 59-73: esp. 60.

22 See William J. Courtenay, *Capacity and Volition. A History of the Distinction of Absolute and Ordained Power* (Bergamo 1990), esp. 65-74; Marcia L. Colish, "Peter Lombard and Abelard: The *Opinio Nominalium* and Divine Transcendence," *Vivarium* 30 (1992), 139-56.

### Divine Omnipotence

To simple believers brought up to have faith in Christian dogma, God's being as reflected in his creation may appear a tangle of paradoxes. God, after all, is all-good, all-powerful, and the undisputed creator of everything. Nonetheless, he bears no responsibility for the evil that exists in this world. Similarly, since he is all-powerful, God must be omniscient regarding past, present and future; and yet somehow his absolute certainty of what will be does not impinge upon human free will. Moreover, God himself is wholly free, yet insufficiently so as to act irrationally, or, being eternally immutable, even to change his mind.

At the very heart of these paradoxes lies the concept of divine omnipotence, for it is a concept paradoxical in itself. Omnipotence, understood as a divine attribute, has a twofold meaning. First, that anything that God intends to happen will *unfailingly* happen. Second, that God can make *anything* happen, albeit with the traditional caveat that even God cannot do what is logically self-contradictory.<sup>23</sup> When thus considering the effects of God's omnipotence upon his creation, we encounter the following paradox. The unfailing effect of divine power imparts necessity upon the world: all things are necessarily as they are, because at the root of everything lies the undefeatable actions of God the Creator. Yet, the

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23 An illuminating example indicating the limits of divine omnipotence is provided by the Franciscan theologian Peter Auriol (ca. 1280-1322), who held that God could not truly change a human being into an ass. If God were to do so, he would have to destroy that individual's rationality and hence that individual would cease to be a human being. Thus, the proposition "Socrates is an ass" may also be read as "a rational animal is an irrational animal," which is self-contradictory and hence both necessarily untrue and impossible. See e.g. Auriol, IV *Sent.*, d. 13, MS Padua 160, scaff. ix, 45ra: "[...] non potest deus facere quod <non homo> sit homo et quod <homo> non sit non asinus." Aquinas made the same argument. See his *Summa theologiae* I, q. 25, a. 3.

assumption that God can do anything (as opposed to everything<sup>24</sup>) that is logically possible imparts contingency upon the world: all things are *not necessarily* as they are, because God freely chose to bring about certain things and not others.

Medieval theologians who contemplated the character of divine omnipotence could stress either of its two aforementioned aspects. Both approaches, however, contained theological pitfalls. The claim that God can (still) do anything severely infringes upon the principle of divine perfection. The very notion of perfection would seem to imply that in many cases there is but one, perfect way of doing things, thus limiting God's ability to act otherwise. Similarly, "past" commitments would appear to bind God irrevocably to a once-chosen course of action, since a truly perfect being obviously would not change his mind. Divine perfection, then, would seem to be opposed to divine freedom.

By contrast, the invincibility of God's power is easily reconciled with divine perfection. Yet here the problem arises that if divine action is always completely insuperable, the outcome of the process of divine creation would appear to be inevitable and hence necessary. Such an assumption, however, would limit God's freedom to have created an altogether different world, thus seemingly belying the qualifier *omni* in the divine attribute *omnipotentia*. Moreover, a creation which is entirely necessary leaves no room for the existence of free will in its creatures. Yet if indeed free will were not to exist, then it would seem unjust, or at the very least inconsistent, for God to reward some and punish others for the deeds they do, as these could not be done by choice. In addition to contradicting

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24 Obviously, it is logically impossible for God to commit to everything at once. At one point, he may have been free to create fire as either hot or cold, or earth as either heavy or light; but it would be self-contradictory (and thus impossible) for fire to be hot and cold simultaneously, or for earth to be both heavy and light at the same time.

received dogma affirming the existence of free will, this approach would only further complicate the theological conundrum.

Thus, in order to preserve both aspects of divine omnipotence, the world must be simultaneously contingent and necessary: contingent because God had to be wholly free in creating it; necessary because of the unfailing effects of his actions. Medieval theologians were fully aware of this problem; and in order to reconcile contingency with necessity, they came to distinguish between God's power in the abstract (*potentia Dei absoluta*) and God's power as employed to constitute and maintain the existing order (*potentia Dei ordinata*).<sup>25</sup> Of all the things God could do *de potentia absoluta*, namely all those things not logically self-contradictory, he deliberately chose to do certain things and not others. Having freely realized one particular created order, however, subsequent divine action would henceforth be conducted in accordance with that chosen order, that is, *de potentia ordinata*. In this way, the world is contingent (because God could have created a different one), but also necessary (because, once chosen, the world could not be otherwise).<sup>26</sup>

Although the distinction between God's *potentia absoluta* and *potentia ordinata* goes back at least partly to such earlier theologians as Augustine and Hugh of St. Victor, the distinction did not fully develop until the thirteenth century and, as Oberman had already noted, became widespread in the work of fourteenth-century nominalist theologians.<sup>27</sup> An event that arguably contributed to this trend was the condemnation in 1277 of 219 scholarly

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25 Despite some mistaken conclusions (see n. 30 below), the foremost work dealing with this distinction is still Courtenay's *Capacity and Volition* (op. cit n. 22). See also his earlier articles "The Dialectic of Omnipotence in the High and Late Middle Ages," in T. Rudavsky ed., *Divine Omniscience and Omnipotence in Medieval Philosophy* (Dordrecht 1990), 243-69; "Covenant and Causality in Pierre d'Ailly," *Speculum* 46 (1971), 94-119.

26 Cf. Gelber, *It Could Have Been Otherwise*, 309-49.

27 Courtenay, *Capacity and Volition*.

propositions deemed contrary to the faith by Etienne Tempier, Bishop of Paris. Many of these propositions may be construed as limiting God's freedom and omnipotence.<sup>28</sup> Among the condemned propositions, for example, was the postulate, shared by, if not directly taken from Thomas Aquinas, that God was unable to create more than one world.<sup>29</sup> Furthermore, God's freedom in exercising his omnipotence was deemed so important that as early as the first half of the thirteenth century at least some theologians held that God could temporarily ignore his established order and even now could act *de potentia absoluta*.<sup>30</sup>

Although medieval theologians believed that God could and sometimes did interfere with the established ordinances of his creation, the basic purpose of the distinction between divine *potentia absoluta* and *potentia ordinata* was to affirm the stability of the present order, without putting undue restraints upon God's contingent free will. For God – or so the theological argument goes – had freely but decisively committed himself to one particular

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28 Scholars such as Francis Oakley and Edward Grant have explicitly connected the increasing application of the distinction between divine action *de potentia ordinata* (DPO) and *de potentia absoluta* (DPA) to Etienne Tempier's Condemnation of 1277. This condemnation, Oakley and Grant argue, was meant to address mounting concerns of conservative theologians, who saw divine omnipotence threatened by deterministic, pagan natural philosophy. See Francis Oakley, "Christian Theology and the Newtonian Science: the Rise of the Concept of the Laws of Nature," *Church History* 30 (1961) 433-57; id., *Omnipotence, Covenant, and Order. An Excursion in the History of Ideas from Abelard to Leibniz* (Ithaca and London 1984) 67-92; Edward Grant, "The Condemnation of 1277, God's Absolute Power and Physical Thought in the Late Middle Ages," *Vivarium* 10 (1979) 211-44. Although Oakley and Grant may overstate the connection between Tempier's Condemnation and the increasing appearance of the DPO/DPA-distinction in scholastic texts, it hardly seems far-fetched to assume that it was a contributing factor. Cf. Courtenay, *Capacity and Volition*, 95-96.

29 The 219 propositions may be found, reordered thematically, in P. Mandonnet O.P. ed., *Siger de Brabant et l'averroïsme latin au XIII<sup>me</sup> siècle*, 2<sup>me</sup> partie, *Textes inédits* (2<sup>nd</sup> ed.; Louvain 1908), 175-91. Proposition no. 27 (in Mandonnet's ordering) reads (p. 178): "Quod prima causa non potest plures mundos facere." Cf. Thomas Aquinas, *Summa theologiae* I, q. 47, a. 3.

30 See Eugenio Randi, "Ockham, John XXII and the Absolute Power of God," *Franciscan Studies* 46 (1986) 205-216; id., "A Scotist Way of Distinguishing Between God's Absolute and Ordained Powers," in *From Ockham to Wyclif* eds. Anne Hudson and Michael Wilks (Oxford 1987), 43-50; Tachau, "Logic's God," 242. Thus, Randi's and Tachau's conclusions contradict Courtenay's position that the late medieval tendency to see the *potentia dei absoluta* in an active, operationalized sense was an unfortunate misinterpretation of the "classical," pre-fourteenth-century definition of the distinction. See: Courtenay, *Capacity and Volition* 20-21, 78-79.

order, from which he would only deviate in the rarest of instances. Hence, while God still *could act de potentia absoluta*, generally speaking, he actually *would* only act *de potentia ordinata*. In other words, God had entered a covenant with humankind, which stipulated that he would act with regard to his creation in specific, prescribed ways. Thus, human beings could be certain that if they met their obligations under the covenant, God would not fail to reward them for their actions, despite the fact that he *could have* specified an entirely different set of obligations.<sup>31</sup>

At this point in our discussion, it may be useful to indicate briefly some of the implications of this “covenantal theology.” As mentioned above, since God has *freely* instituted one particular covenant, he could also have decided to institute another. From this it follows that human beings do not earn salvation by doing what is necessary in itself, but rather because they obey a set of rules that is contingent upon God’s free will. Theoretically speaking, then, there are as many possible roads to salvation as there are potential covenants acceptable to God. Medieval theologians knew, for example, that the covenant of Abraham and Moses had been superseded. Yet, they had no reason to suppose that in their day and age there was more than one covenant in operation. This belief was reflected, among other things, in the theological consensus that the Christian faith had been preached throughout the entire world, and thus, that an invitation to the present covenant had been extended to all nations.<sup>32</sup> As we shall see in a later chapter, this assumption became increasingly

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31 For the covenantal aspect of the DPO/DPA-distinction, see especially Heiko Oberman, “*Facientibus quod in se est Deus non denegat Gratiam*: Robert Holcot, O.P. and the Beginnings of Luther’s Theology,” *The Harvard Theological Review* 55 (1962), 317-42; Courtenay, “Covenant and Causality in Pierre d’Ailly.” See also Francis Oakley, *Omnipotence and Promise. The Legacy of the Scholastic Distinction of Powers*. The Etienne Gilson Series 23 (Toronto 2002), 13ff.

32 On this issue, see below chapter 6, pp. 244-50.



questionable after the geographical discoveries of the 1510's and 1520's; and hence several sixteenth-century theologians reacted by proposing different sets of obligations, or dispensations (given by God *de potentia absoluta*) from certain obligations, that depended upon the extent of an individual's knowledge or ignorance.

Besides being one of the theoretical underpinnings of covenantal or "obligational" theology, the distinction between God's absolute and ordained powers had several other significant implications. From this distinction it follows – providing that God's absolute and ordained powers were not entirely coextensive – that God could do more than he actually does. If, indeed, God has deliberately chosen to do some things and not others, the theologian will be forced to admit that the workings of the divine will have deeply influenced the eventual character of God's creation. Moreover, the less that absolute possibility and actual creation coincide, the more decisive the divine will has been in regard to shaping the world in which we live.

In order that the acts of the divine will not be random, that will must be subject to the divine intellect. Yet, if God is both omniscient and infallibly rational, can his will be truly free? Aquinas apparently held that although God's will is free from coercion, it is not wholly free with regards to what is willed. The divine will must necessarily reflect the divine essence, which Aquinas had equated with divine intellection.<sup>33</sup> According to the Doctor Angelicus, then, the intellect governs the will to such an extent that, even though the will is free in determining the specific means to reach its ends, it is not free in defining such ends

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33 Aquinas, *Summa theologiae*, I, q. 14, a. 4: "ex necessitate sequitur quod ipsum eius est intelligere sit eius essentia et eius esse." For a more detailed discussion of Aquinas' position of the freedom of God's will, see below, pp. 80-81.

themselves, which, by contrast, are naturally known through the intellect.<sup>34</sup> These arguments, perhaps unjustly, drew the ire of the commission charged with listing the propositions subject to Etienne Tempier's condemnation in 1277. Hence, the condemnation of propositions such as "the will necessarily pursues what is firmly held by reason; [...] it cannot abstain from that what reason dictates," and "man's will is necessitated by his knowledge" appears to have been directed against Aquinas' particular conception of the interrelationship between intellect and will.<sup>35</sup>

Since Aquinas' contemporaries judged that his intellectualism wrongly posited limits upon the freedom of both divine and human will, it was likely that a reaction would develop. The Franciscan theologian John Duns Scotus, who taught and wrote roughly two generations after Aquinas, is almost invariably designated as its standard-bearer. Characteristically, Scotus held that the will, in order to be truly free, must not only be free to will or not will a thing, but also free to choose between opposite things. Hence, a wholly free will must be able not only to decide between sitting and not sitting, but also among sitting, standing, running, lying down and walking. In other words, according to Scotus the divine

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34 This appears to be the case for both the divine and the human wills. See Aquinas, *Summa theologiae*, I, q. 19, a. 3; a. 10 and I-II, q. 8, a. 1, as well as below p. 81-82.

35 See Mandonnet, *Siger de Brabant*, vol. 1, 231-32. According to Mandonnet's numbering, the abovementioned propositions are nos. 163 and 164. In full, the propositions read (vol. 2, pp. 187-88): "Quod voluntas necessario prosequitur, quod firmiter creditum est a ratione; et quod non potest abstinere ab eo, quod ratio dictat. Haec necessitatio non est coactio, sed natura voluntatis." And "Quod voluntas hominis necessitatur per suam cognitionem, sicut appetitus bruti." John Wippel has argued that these propositions are derived from an unfair reading of Aquinas. See John F. Wippel, "Thomas Aquinas and the Condemnation of 1277," *The Modern Schoolman* 72 (1995), 233-72: 255-61. Yet, the sixteenth-century Franciscan theologian Antonio de Córdoba still cited these propositions (as reported in Scotus' *Sentences*-commentary) against Aquinas' intellectualism. See below, chapter 7, p. 316-17, esp. n. 49. For the place of Aquinas' thought in the intellectual crises of the 1270's see Fernand van Steenberghen, *Thomas Aquinas and Radical Aristotelianism* (Washington DC 1980).

will could decide any choice *ad utrumlibet*, i.e., by assenting to *either* of two contraries.<sup>36</sup> Compared to Aquinas, who had held that God's will always operates in perfect accordance with his immutable divine intellect, Scotus thus ascribed a much larger and much more *indeterminate* operational range to the divine will. Although Scotus did not separate the divine will from the divine intellect, he nevertheless maintained, contrary to Aquinas, that no *necessary* connection exists between God's intellect and any *particular* determination of his will as expressed outwardly in his creation. Consequently, on Scotus' account of divine action, the determinations of the will take center stage. Scotus, then, may be justly labeled as an adherent of voluntarism.

Intellectualist and voluntarist theologians tended to be in dispute with each other over a wide range of issues, but most significantly over the exact origin of moral values. An intellectualist would insist that the moral values that human beings are commanded to obey are reflective of the goodness and truth that are objectively known by the divine intellect; by contrast, a voluntarist would claim that these values are reflective of a free, and thus subjective, determination by the divine will. In other words, an intellectualist theologian would maintain that God must necessarily do what he objectively knows to be good, while his voluntarist counterpart would argue that whatever God subjectively determines is *eo ipso* good necessarily.<sup>37</sup>

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36 For a recent, helpful summary of this aspect of Scotus' theology see e.g. Alexander Broadie, *In the Shadow of Scotus. Philosophy and Faith in Pre-Reformation Scotland* (Edinburgh 1995), 19-32, esp. 30-31. See further below, pp. 88-90.

37 Cf. P. Minges, "Die Wert der guten Werke nach Duns Scotus," *Theologische Quartalschrift* 89 (1907), 76-93: 78: "Gott liebt alles Äußergöttliche nicht notwendig, sondern frei oder kontingent: er akzeptiert es. Daraus folgt daß die Dinge nur deshalb real gut sind, weil Gott sie will und liebt, nicht umgekehrt, d.h. die Dinge haben Existenz, reales Sein und damit reale Güte nur deshalb, weil Gott sie in freier Weise aus freiem Wille realisierte," cited in Werner Dettloff, *Die Lehre von der acceptatio divina bei Johannes Duns Scotus: mit besonderer Berücksichtigung der Rechtfertigungslehre* (Werl 1954), 174.

These contrasting viewpoints have significant implications for the *locus* of such entities as “goodness” and “truth.” According to the intellectualist, “goodness” is located in the perfect, immutable intellect of God. The voluntarist, however, would have goodness depend on the free and thus (initially) indeterminate will of God. Hence, for the voluntarist, the moral rules that human beings are obliged to follow are contingent, rather than necessary (as the intellectualist would have it). In several publications, Francis Oakley has described these opposing views in terms of the distinction between immanence and imposition.<sup>38</sup> Laws – be they natural law, laws of nature, or moral obligations – may be perceived, Oakley claims, either as “immanently” and necessarily present in creation, or as “contingently imposed” upon creation by an extrawordly and transcendent creator-God. In the former case, “goodness” may be thought to be immanently and immutably present in creation, which is reflective of the equally immutable divine intellect. In the latter case, “goodness” is taken to be externally imposed upon creation by a supremely sovereign lawgiver, who is wholly free to impose, suspend, or even dismiss any law he sees fit.

At this point, we may – again – discern the theological underpinnings of a covenantal or obligational theology. If goodness, as knowable by human beings, is dependent upon a contingent, subjective determination by an external lawgiver, then doing good means no more than following the currently instituted rules, *whatever they may be*. Moreover, it is not required that the same rules apply to all. Yet, this is not the only implication of a voluntarist theology. From the assumption that “goodness” is not immanently and immutably present in creation, the rejection of a realist epistemology must follow. Thus, we have stumbled,

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38 See especially Francis Oakley, *Natural Law, Laws of Nature, Natural Rights. Continuity and Discontinuity in the History of Ideas* (New York and London 2005), 30ff and id., “Christian Theology and the Newtonian Science: the Rise of the Concept of the Laws of Nature,” *Church History* 30 (1961), 433-57.

perhaps, upon two opposing poles around which various closely interrelated ideas coalesced. At the one hand, we have the principle of immanence, which may be associated with intellectualism, necessity, a realist epistemology and divine action *de potentia ordinata*. Opposed to immanence is the principle of imposition, which is associated with voluntarism, contingency, a nominalist epistemology and divine action *de potentia ordinata*.<sup>39</sup>

Both Oakley and Alexander Broadie have observed that these two aforementioned poles delineate the very ends of a continuous spectrum.<sup>40</sup> In order to subscribe to orthodox Christianity, one can neither be a complete intellectualist, nor a complete voluntarist. In the first case, free will would not exist; in the second, all action, including God's, would be completely divorced from reason. Similarly, the world can neither be entirely necessary, nor entirely contingent; and God can neither act only *de potentia ordinata* nor only *de potentia absoluta*. Even nominalism and realism (in the traditional sense of the words) have their intermediate forms, as evidenced by the terms "moderate realism," "conceptualism" and "vocalism." Aquinas and Scotus, both of whose thought will receive a more detailed discussion in the second half of this chapter, may be justly taken as representing intellectualism and voluntarism, respectively. Although these theologians took up positions on different sides of the middle, their views are nonetheless located on the very same spectrum.

Thus, when we are speaking of a nominalist theology, or simply nominalism in its broader sense, we will use these terms to contrast theologians who were more voluntarist than intellectualist, and therefore more concerned with God's freedom and omnipotence

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39 Oakley, *Natural Law, Laws of Nature, Natural Rights*, 30.

40 Ibid., see also id., *Omnipotence and Promise*, 13-14; Broadie, *In the Shadow of Scotus*, 47.

than the stability of the world, with their more traditional colleagues. We must be aware, however, that the former are not invariably nominalists in the traditional sense of the word. Regarding the metaphysical existence of universals, Scotus himself is considered to have been a realist.<sup>41</sup>

Invincible ignorance, to the extent that it was ascribed to the American Indians, is predicated upon a theology that is at least partly nominalist in character. The sixteenth-century Dominican Juan Ginés de Sepúlveda, the foremost advocate of military conquest and forced conversion of the American Indians, maintained that the latter, by committing crimes such as idolatry and human sacrifice, had willfully violated the most basic and apparent precepts of the law of nature.<sup>42</sup> In order to counter this argument, his opponents argued that the Indians' were invincibly, and thus excusably ignorant of the natural law.<sup>43</sup>

This counter-argument, however, was fraught with difficulties. The Roman jurist Ulpian (d. 228) had defined the *ius naturale* very broadly as “that which nature teaches all animals.”<sup>44</sup> Cicero’s definition of natural law (as preserved through Lactantius’ *Divinarum Institutionum*) is rather narrower in the sense that it does not apply to irrational animals. Yet, Cicero did maintain that the law of nature is both universal and known to all human beings:

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41 See e.g. Thomas Williams, “John Duns Scotus,” *The Stanford Encyclopedia of Philosophy* (Spring 2010 Edition), Edward N. Zalta (ed.), URL = <http://plato.stanford.edu/archives/spr2010/entries/duns-scotus>, and below, pp. 89-90.

42 See e.g. Juan Ginés de Sepúlveda, *Apologia pro libro de justis belli causis*, in id., *Opera*, vol. 4 (Madrid 1780), 329-51: 332-33. For the full quotation and further discussion, see below: chapter 5, p. 215, n. 54.

43 See below, esp. chapter 5, pp. 226ff.

44 *Digesta*, I, 1, 3, eds. Theodor Mommsen and Paul Krüger, *Corpus iuris civilis*, vol 1 (20th ed; Dublin and Zürich 1968): “Jus naturale est, quod natura omnia animalia docuit: nam jus istud non humani generis proprium, sed omnium animalium, quae in terra, quae in mari nascuntur avium quoque commune est. Hinc descendit maris atque feminae conjunctio, quam nos matrimonium appellamus, hinc liberorum procreatio, hinc educatio: videmus etenim cetera quoque animalia, feras etiam istius juris peritia censerit.”

natural law “is not one thing in Rome and another in Athens;” and no expositor or interpreter is needed to understand its precepts.<sup>45</sup> In a similar vein, Paul, in his letter to the Romans, argued that the Gentiles, “which have not the [Mosaic] law, do by nature the things contained in the law” (Rom 2:14). The Decalogue, then, is part of the natural law; and hence both universally valid and universally known. In short, the argument that the Indians could be invincibly ignorant of the prohibitions against crimes such as idolatry and human sacrifice – both of which are clear violations of the Ten Commandments – was directly contradicted by the most ancient and trustworthy authorities.

Cicero’s definition of the law of nature, however, carries many pagan, especially Stoic overtones. For this law, “diffused unto all,” will “endure for all time as one and the same to all nations, ever-lasting and immutable.”<sup>46</sup> In other words, the law of nature appears to be immanent in the world to such an extent that it cannot be modified or repealed. Although God is the law’s “author, arbitrator and promulgator,” he is neither free to change it, nor – so it seems – to have instituted an altogether different law. At the close of the thirteenth century, these conclusions could easily have been deemed to limit improperly the reach of divine omnipotence.

This threat to theological orthodoxy could be averted if the notion of an immanent law of nature is replaced by a conception of natural law as imposed upon the universe by a transcendent lawgiver who is wholly free from any external necessity whatsoever.

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45 Lactantius, *Divinarum Institutionum* 6,8, PL 6, 660-61: “Est quidem vera lex, recta ratio, naturae congruens, diffusa in omnes, constans, sempiterna [...] Huic legi nec obrogari fas est, neque derogari ex hac aliquid licet, neque tota abrogari potest. Nec vero aut Senatum, aut per populum solvi hac lege possumus. Neque est quaerendus explanator, aut interpret ejus alius. Nec erit alia lex Romae, alia Athenis, alia nunc, alia posthac: sed et omnes gentes, et omni tempore una lex, et sempiterna, et immutabilis continebit; unusque erit communis quasi magister et imperator omnium Deus, ille legis hujus inventor, disceptator, lator.”

46 See above, n. 45.

Significantly, this would mean that natural law is no longer necessarily as it is: God could have imposed a different natural law. Additionally, since natural law is no longer immanently present in creation, creatures may be unaware of it. Thus, human wayfarers not only start out bereft of knowledge of natural law, but since natural law is now contingent rather than necessary, human reason, even if it is working correctly, may no longer be a reliable guide toward such knowledge. After all, many venerable authorities, including Aristotle and Aquinas, had contended that certain knowledge, or *scientia*, could only be had of things that are necessary, rather than contingent.<sup>47</sup> If, then, natural law is indeed contingent, we will never have full certitude that we know it truthfully. Hence, invincible ignorance of the law of nature, and more specifically the Decalogue, only becomes possible if we exchange immanence for imposition, and intellectualism for voluntarism. In other words: we must adopt a nominalist theology.

Additionally, such a course of action would make it much easier to argue that salvation is not reached by striving after an absolute and immutable good, but rather by fulfilling the contingent obligations of a covenant freely offered by God. Both Vitoria and Bartolomé de Las Casas, the great sixteenth-century advocate and defender of the Indians, argued that it had to be the case that the Indians were fully rational since God, in all his benevolence, would not deny these countless multitudes the opportunity to reach salvation.<sup>48</sup> Yet, how could any of these infidels, and especially their already deceased

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47 Aristotle, *Posterior Analytics*, I, 2, 71b9-13; I, 33, 88b30-4. Cf. Thomas Aquinas, *Expositio libri Posteriorum Analyticorum*, I, lect. 4, 7, ed. Roberto Busa, S. Thomae Aquinatis opera omnia, vol 4 (Stuttgart 1980), 275: “[...] quod illud, de quo simpliciter habetur scientia, oportet esse necessarium, scilicet quod non contingat aliter se habere.” See also Theodor Wolfram Köhler, “Wissenschaft und Evidenz. Beobachtungen zum wissenschaftstheoretischen Ansatz des Jakob von Metz,” *Studia Anselmiana* 63 (1974), 369-414; Jeroen W.J. Laemers, “Christina Mirabilis and the Scholastic Notion of Truth,” *Revue d’histoire ecclésiastique* 105 (2010), 5-26.

48 Bartolomé de Las Casas, *Apologia*, ed. Ángel Losada, Obras completas, vol. 9 (Madrid 1988), 90-94: “Quare divinae providentiae et bonitati convenit naturam semper vel ut in pluribus optima et perfecta producere; raro



ancestors, be saved if their obligations were necessarily identical to the precepts to be followed by those raised and educated as Christians? In order to preserve God's benevolent providence, an obligational or covenantal theology had to be postulated. Thus it is no coincidence that sixteenth- and seventeenth-century theologians such as Vitoria, Domingo de Soto and Francisco Suárez argued extensively that in cases of invincible ignorance a less demanding, implicit faith could replace explicit faith as a necessary precondition for salvation.<sup>49</sup>

As will be shown toward the end of this study, there can be no doubt that the sixteenth-century Salamancans accepted the possibility that the American Indians were invincibly ignorant of even the most basic precepts of both divine and natural law. As a consequence, these *ignorantes* were considered to have fewer obligations in their quest for salvation than either individuals raised as Christians, or those infidels who could be qualified as willfully ignorant, such as Jews, Muslims and Old World pagans. To some extent, this identifies the Salamancan theologians as voluntarists, rather than intellectualists; and followers of Scotus rather than Aquinas. Yet, Vitoria and his fellow Salamancans undoubtedly *wanted* to be Thomists; and this desire finds constant expression in their writings. No scholar is treated as deferentially as Aquinas; no author is quoted more often with approval. But are Scotism and Thomism, as so often is assumed, truly irreconcilable?

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autem et in paucioribus imperfecta et pessima. [...] Quis ergo impius in Deum et naturae contumeliosus ausit scribere infinitam oceanum incolentium multitudinem barbaram, feram, incultam, et stupidam esse, cum si recta ratione aestimentur, caeteros mortales multitudine multo maxima superent? [...] Cum enim tanta sit Dei caritas erga genus humanum, deinde consilium Dei sit omnes homines salvos facere, convenit eius sapientiae ut omni universo, omni ex parte perfecto, eius summa sapientia in ea re perfectissima, id est rationali natura, magis magisque relucent." Cf. Vitoria, *De Indis*, I, i, 15, p. 30: "[...] Deus et natura non deficiunt in necessariis pro magna parte speciei. Praecipuum autem in homine est ratio, et frustra est potentia, quae non reducitur ad actum."

49 See chapters 6, 8, below.

They are to some extent; and, as pointed out in the previous chapter, Vitoria is occasionally forced to be rather inventive in his exegesis of the Thomistic corpus. Nonetheless, we must also remember that in order to remain orthodox, intellectualism and voluntarism must be positions on a continuous spectrum. Thus, as we shall see shortly, there are traces of voluntarism in Aquinas' writings and traces of intellectualism in those of Scotus. In other words, intellectualism and voluntarism are not and cannot be wholly contradictory positions; and hence there is a possibility that sixteenth-century Thomists willingly adopted aspects of a theological tradition that may be rightfully characterized as "voluntarist" or "nominalist" – even if this intellectual debt is not always explicitly acknowledged.

#### Aquinas vs. Scotus

Let us now consider in juxtaposition the thought of Thomas Aquinas and John Duns Scotus as being representative of intellectualism and voluntarism, respectively. Thus, while Aquinas will represent tradition, Scotus may be portrayed as the harbinger of the late medieval theological innovations that would eventually allow for the argument that the American Indians are invincibly and hence excusably ignorant of both divine and natural law. Of course, Aquinas and Scotus were neither the sole inventors nor the only representatives of their respective positions. Because of their later stature and influence, however, we may take their thought as appropriate starting points for describing two distinct yet not wholly contradictory scholastic traditions.

As mentioned before, Aquinas' thought may be labeled as intellectualist: God's intellection, the Doctor Angelicus claims, is identical to his very essence and being.<sup>50</sup> This does not mean, however, that the divine will is portrayed as wholly unfree. According to Aquinas, God only wills his own goodness necessarily, but all other things contingently; and with regards to the latter, God's will is free.<sup>51</sup> Yet, this freedom is not absolute: the divine will is limited to willing those things conducive to God's goodness. In other words, God wills the means to express his goodness contingently, but the end, namely his goodness, is necessary and immutable.<sup>52</sup> Thus, the freedom of the divine will is severely limited in the sense that a "necessity of end" is imposed upon all that God wills.<sup>53</sup> Hence, the determinations of the divine will are only contingent in a very incomplete and partial manner; and no choice between two real alternatives is possible.<sup>54</sup> Aquinas, however, held

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50 See e.g. Aquinas, *Summa Theologiae*, I, q. 14, a. 4: "Respondeo dicendum quod est necesse dicere quod intelligere dei est eius substantia. [...] Unde [...] ut dictum est, 'ex necessitate sequitur intelligere eius sit eius essentia et eius esse.' Et sic patet ex omnibus praemissis quod 'in deo intellectus, et id quod intelligitur, et species intelligibilis, et ipsum intelligere, sunt omnino unum et idem.' Unde patet quod per hoc, quod deus dicitur intelligens, nulla multiplicitas ponitur in eius substantia."

51 Aquinas, I. q. 19, a. 10: "[...] igitur deus ex necessitate suam bonitatem velit, alia vero non ex necessitate [...]; respectu illorum quae non ex necessitate vult, liberum arbitrium habet." Cf. id., *Summa contra gentiles*, I, 80-81, ed. Roberto Busa, S. *Thomae Aquinatis opera omnia*, vol. 2 (Stuttgart 1980).

52 Aquinas, *Summa theologiae*, I, q. 19, a. 3: "[...] bonitatem suam esse deus ex necessitate vult [...] alia autem a se deus vult, inquantum ordinatur ad suam bonitatem ut in finem. Ea autem quae sunt ad finem, non ex necessitate volumus volentes finem, nisi sint talia, sine quibus finis esse non potest, sicut volumus cibum, volentes conservationem vitae; et navem, volentes transfetare. Non sic autem ex necessitate volumus ea sine quibus finis esse potest, sicut equum ad ambulandum, quia sine hoc possumus ire."

53 Aquinas distinguished between several kinds of necessity, of which the necessity of end was one. See Gelber, *It Could Have Been Otherwise*, 116.

54 Norman Kretzmann, *The Metaphysics of Creation. Aquinas's Natural Theology in Summa contra gentiles II* (Oxford 1999), 125

that freedom of will does not consist in freedom from the necessity of end, but rather in freedom from external coercion.<sup>55</sup>

According to Aquinas, then, the created universe is contingent because God was not coerced into creating it. God, however, *did* create it; and hence, since the divine will is immutable, the universe is wholly necessary *now*.<sup>56</sup> This necessity *ex suppositione* is not limited to creation's existence as such, but also pertains to the manner in which it is ordered. Although God could have created a different universe, no other order, Aquinas concludes, would be "good and suitable" for the world as it is.<sup>57</sup>

From this conclusion it follows that the laws instituted to govern creation possess a similar necessity *ex suppositione*: they are not necessary absolutely, but since creation is as it is, no other laws than those instituted in the act of creation would be proper to it. The natural law, for example, is necessary – that is – cannot be otherwise, because it functions in perfect agreement with the immutable natures of the creatures it is supposed to govern. According to Aquinas, the first precept of natural law is that good is to be done and evil to be avoided. "Good," in this particular context, is defined as that which is in accordance with the natural inclinations of humankind.<sup>58</sup> Thus, the natural law dictates that all individuals must strive to

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55 Gelber, *It Could Have Been Otherwise*, 118. Gelber's conclusion is derived from Aquinas, *Summa theologiae* I, q. 82, a. 1, resp.

56 Aquinas, *Summa theologiae*, I, q. 19, a. 3: "[...] cum bonitas dei sit perfecta, et esse possit sine aliis, cum nihil ei perfectionis ex aliis accrescat; sequitur quod alia a se eum velle, non sit necessarium absolute. Et tamen necessarium est ex suppositione, suppositio enim quod velit, non potest non velle."

57 Ibid., I, q. 25, a. 5, ad ob. 3: "Ad tertium dicendum quod, licet iste cursus rerum sit determinatus istis rebus quae nunc sunt, non tamen ad hunc cursum limitatur divina sapientia et potestas. Unde, licet istis rebus quae nunc sunt, nullius alius cursus esset bonus et conveniens, tamen deus posset alias res facere, et alium eis imponere ordinem."

58 Ibid., I-II, q. 94, a. 2: "Hoc est ergo primum praeceptum legis, quod bonum est faciendum et prosequendum, et malum vitandum. Et hoc super hoc fundantur omnia alia praecepta legis naturae, ut scilicet omnia illa facienda vel vitanda pertineant ad praecepta legis naturae, quae ratio practica naturaliter apprehendit

preserve their being, as “being” is the most basic aspect of every (existing) human individual, which is shared with all other existing substances. Second, human beings in their capacity as a particular species of animals are exhorted by the natural law to do those things specifically appropriate to animals, such as engaging in sexual intercourse and raising one’s offspring. Third, as *rational* animals, human beings are obliged by the law of nature to seek knowledge about God and to live peacefully in an organized society.<sup>59</sup> In short, the natural law is precisely as necessary as the rest of creation: not absolutely, but *ex suppositione*. Although both the existence and the specific contents of the law of nature were once contingent upon God’s free decision, this is no longer the case. Since God’s will is immutable and his power un failing, from the perspective of the human wayfarer the natural law has become no less necessary than God himself.

Since the natural law is necessary, immanently present in creation, and in agreement with human nature, it would seem that human beings cannot be ignorant of it – and according to Aquinas, this is largely true: “there belong to the natural law,” he states, “certain most general precepts, which are known to all.”<sup>60</sup> The knowledge of these precepts can “in

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esse bona humana. [...] omnia illa ad quae homo habet naturalem inclinationem, ratio naturaliter apprehendit ut bona, et per consequens ut opere prosequenda, et contraria eorum ut mala et vitanda.”

59 Ibid.: “Inest enim primo inclinatio homini ad bonum secundum naturam in qua communicat cum omnibus substantiis, prout scilicet quaelibet substantia appetit conservationem sui esse secundum suam naturam. Et secundum hanc inclinationem, pertinent ad legem naturalem ea per quae vita hominis conservetur, et contrarium impeditur. Secundo inest homini inclinatio ad aliqua magis specialia, secundum naturam in qua communicat cum ceteris animalibus. Et secundum hoc, dicuntur ea esse de lege naturali quae natura omnia animalia docuit, ut est coniunctio maris et feminae, et educatio liberorum, et similia. Tertio modo inest homini inclinatio ad bonum secundum naturam rationis, quae est sibi propria: sicut homo habet naturalem inclinationem ad hoc quod veritatem cognoscat de Deo, et ad hoc quod societate vivat. et secundum hoc, ad legem naturalem pertinent ea quae ad huiusmodi inclinationem spectant: utpote quod homo ignorantiam vitet, quod alios non offendat cum quibus debet conversari, et cetera huiusmodi quae ad hoc spectant.”

60 Ibid., I-II, q. 94, a. 6: “Ad legem naturalem pertinent primo quidem quaedam praecepta communissima, quae sunt omnibus nota.” Cf. Ibid., I-II, q. 93, a. 2; q. 94, a. 4.

no way be blotted out from the human heart,” although human beings may fail to apply this knowledge in particular cases, “on account of concupiscence or some other passion.”<sup>61</sup> In addition to these “most general” and universally known commandments there are also secondary precepts belonging to the natural law, “which are more detailed and, as it were, conclusions following from the first principles.” These, by contrast, may be blotted out from the human heart, either by “evil persuasions,” or “vicious customs and corrupt habits.” As a result, certain societies had unjustly condoned robbery and even “unnatural” vices.<sup>62</sup>

To summarize: Aquinas holds that the natural law consists of primary and secondary precepts, and whereas primary precepts are invariably known to all human beings, the secondary ones sometimes are not. Yet, failure to obey the natural law is *always* the result of sin. After all, for Aquinas, human beings either fail to apply their knowledge of the natural law on account of a sinful passion or, in more complex cases when they lack such knowledge, their ignorance can only be due to some previous sinful behavior. Although Aquinas thus admits that partial ignorance of the natural law is sometimes possible, the *ignorantes* in question are not guiltless.<sup>63</sup>

Despite these conclusions, could Aquinas’ writings nonetheless be employed to exculpate the American Indians from their ignorance of the Decalogue? This seems, at best,

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61 Ibid.: “Quantum ergo ad illa principia communia, lex naturalis nullo modo potest a cordibus hominum deleri in universali. Deletur tamen in particulari operabili, secundum quod ratio impeditur applicare commune principium ad particulare operabile, propter concupiscentiam vel aliquam aliam passionem.”

62 Ibid.: “ad legem naturalem pertinent [...] quaedam autem secundaria praecepta magis propria, quae sunt quasi conclusiones propinquae principiis. [...] Quantum vero ad alia praecepta secundaria, potest lex naturalis deleri de cordibus hominum, vel propter malas persuasiones, eo modo quo etiam in speculativis errores contingunt circa conclusiones necessarias; vel etiam propter pravas consuetudines et habitus corruptos; sicut apud quosdam non reputabantur latrocinia peccata, vel etiam vitia contra naturam, ut etiam apostolus dicit, ad Rom. I.”

63 Cf. n. 72, below.

problematic; after all, the Old Law, the Doctor Angelicus claims, is to a large extent a reflection of the natural law; and hence, that part of the Old Law which is identical to the law of nature must be obeyed by all nations.<sup>64</sup> Furthermore, because the moral precepts of the Old Law – as opposed to its ceremonial and judicial commandments – are “in some way derived from natural reason,” it necessarily follows, Aquinas asserts, that “all moral precepts [of the Old Law] belong to the natural law,” albeit “in different ways.”<sup>65</sup> Some of the moral obligations of the Old Law, Aquinas claims, are known immediately by natural reason, for example: “honor thy father and thy mother,” “thou shalt not kill,” and “thou shalt not steal.”<sup>66</sup> Other precepts are known more indirectly; and still others, even though they are part of the natural law, are taught by divine instruction.<sup>67</sup>

Hence, the Decalogue, being without any secondary precepts, always can be known in its entirety. “The Decalogue, Aquinas writes, “contains those precepts of which human beings have knowledge through themselves, as arranged by God.” Some of its

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64 Aquinas, *Summa theologiae*, I-II, q. 98, a. 5: “Respondeo dicendum quod lex vetus manifestabat praecepta legis naturae, et superaddebat quaedam propria praecepta. Quantum igitur ad illa quae lex vetus continebat de lege naturae, omnes tenebantur ad observantiam veteris legis, non quia erant de veteri lege, sed quia erant de lege naturae. Sed quantum ad illa quae lex vetus superaddebat, non tenebantur aliqui ad observantiam veteris legis nisi solus populus Iudaeorum.”

65 Ibid., I-II, q. 100, a. 1: “Sic igitur patet quod, cum moralia praecepta sint de his quae pertinent ad bonos mores; haec autem sunt quae rationi congruunt; omne autem rationis humanae iudicium aliquo modo a naturali ratione derivatur, necesse est quod omnia praecepta moralia pertineant ad legem naturae, sed diversimode.”

66 It should be noted here that *latrocinia* (cf. ST I-II, q. 94, a. 6; see n. 62 above), i.e. “open robbery,” “brigandage,” etc., is not the same as *furtum*, i.e. “secret theft (see n. 67 below).

67 Aquinas, *Summa theologiae*, I-II, q. 100, a. 1: “Quaedam enim sunt quae statim per se ratio naturalis cuiuslibet hominis diiudicat esse facienda vel non facienda, sicut ‘honora patrem tuum et matrem tuam,’ et ‘non occides,’ ‘non furtum facies.’ Et huiusmodi sunt absolute de lege naturae. Quaedam vero sunt quae subtiliori consideratione rationis a sapientibus iudicantur esse observanda. Et ista sic sunt de lege naturae, ut tamen indigeant disciplina, qua minores a sapientioribus instruuntur, sicut illud, ‘coram cano capite consurge, et honora personam senis,’ et alia huiusmodi. Quaedam vero sunt ad quae iudicanda ratio humana indiget instructione divina, per quam erudimur de divinis, sicut est illud, ‘non facies tibi sculptile neque omnem similitudinem, non assumes nomen Dei tui in vanum.’”

commandments are derived directly and with very little effort from general first principles, while others, namely those pertaining to the proper worship of God, become immediately and invariably known through divinely infused faith.<sup>68</sup> Moreover, the precepts of the Decalogue, Aquinas claims, reflect “the very intention of the lawgiver, who is God” and since it is exceedingly easy, indeed almost an unavoidable consequence of being human to have knowledge of this intention, the Decalogue admits of no dispensation whatsoever: the precepts of both the first and second table are in every circumstance to be obeyed in full.<sup>69</sup> In other words, no infidel may in any way be excused for disregarding the commandments of the Decalogue: its obligations last forever.<sup>70</sup>

Aquinas thus maintains that the Christian and the infidel are burdened with essentially the same obligations: there is but one way for human beings to live justly. Just as the natural law imposes its commandments on all individuals alike, so does the divine law, as we have seen in the previous chapter. Now that the New Law has superseded the Old,

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68 Ibid.: I-II, q. 100, a. 3: “Respondeo dicendum quod praecepta Decalogi ab aliis praeceptis legis differunt in hoc, quod praecepta Decalogi per seipsum Deus dicitur populo proposuisse; alia vero praecepta proposuit populo per Moysem. Illa ergo praecepta ad Decalogum pertinent, quorum notitiam homo habet per seipsum a Deo. Huiusmodi vero sunt illa quae statim ex principiis communibus primis cognosci possunt modica consideratione, et iterum illa quae statim ex fide divinitus infusa innotescunt. Inter praecepta ergo Decalogi non computantur duo genera praeceptorum, illa scilicet quae sunt prima et communia, quorum non oportet aliam editionem esse nisi quod sunt scripta in ratione naturali quasi per se nota, sicut quod nulli debet homo malefacere, et alia huiusmodi; et iterum illa quae per diligentem inquisitionem sapientum inveniuntur rationi convenire, haec enim proveniunt a Deo ad populum mediante disciplina sapientum. Utraque tamen horum praeceptorum continentur in praeceptis Decalogi, sed diversimode. Nam illa quae sunt prima et communia, continentur in eis sicut principia in conclusionibus proximis, illa vero quae per sapientes cognoscuntur, continentur in eis, e converso, sicut conclusiones in principiis.”

69 Ibid. I-II, q. 100, a. 8: “Praecepta autem Decalogi continent ipsam intentionem legislatoris, scilicet Dei. Nam praecepta primae tabulae, quae ordinant ad Deum, continent ipsum ordinem ad bonum commune et finale, quod Deus est; praecepta autem secundae tabulae continent ipsum ordinem iustitiae inter homines observandae, ut scilicet nulli fiat indebitum, et cuilibet reddatur debitum; secundum hanc enim rationem sunt intelligenda praecepta Decalogi. Et ideo praecepta Decalogi sunt omnino indispensabilia.”

70 Ibid., q. 103, a. 3, ad ob. 1: “lex vetus dicitur esse in aeternam, secundo moralia quidem, simpliciter et absolute.”



human beings can only be saved if they have explicit faith in both the Incarnation and the Trinity. Although Aquinas admits that some may be ignorant of these articles of the faith, he is adamant that in the case of a worthy unbeliever God would provide either direct illumination or a suitable preacher.<sup>71</sup> This solution closely echoes Aquinas' claim that the precepts of the first table of the Decalogue, which required divine instruction, may be securely known through infused faith.

These assumptions allow Aquinas to conclude that all ignorance of what one ought to know is voluntary and thus culpable. If God is always ready to provide human beings with the knowledge that they absolutely require, then, if someone remains ignorant, this can only be through negligence or through making an "evil choice" that "some passion or habit" presents.<sup>72</sup> Although Aquinas admits that invincible ignorance as such is possible and, moreover, that invincible ignorance excuses the sinner altogether from sin, such exculpatory ignorance may only be had of what one "is not bound to know, such as geometrical theorems and contingent particulars." By contrast, all human beings are obliged to know the articles of faith and those precepts of the law that are universally applicable. Of these things, no one can be invincibly ignorant.<sup>73</sup>

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71 Aquinas, *Quaestiones disputatae de veritate*, q. 14, a. 11. For the full quote, see above: chapter 1, n. 105.

72 Aquinas, *Summa theologiae*, I-II, q. 6, a. 8: "[...] dicitur ignorantia voluntaria eius quod quis potest scire et debet, sic enim non agere et non velle voluntarium dicitur, ut supra dictum est. Hoc igitur modo dicitur ignorantia, sive cum aliquis actu non considerat quod considerare potest et debet, quae est ignorantia malae electionis, vel ex passione vel ex habitu proveniens, sive cum aliquis notitiam quam debet habere, non curat acquirere; et secundum hunc modum, ignorantia universalium iuris, quae quis scire tenetur, voluntaria dicitur, quasi per negligentiam proveniens." Cf. n. 62 above.

73 Ibid., I-II, q. 76, a. 2: "Ignorantia vero importat scientiae privationem, dum scilicet alicui deest scientia eorum quae aptus natus est scire. Horum autem quaedam aliquis scire tenetur, illa scilicet sine quorum scientia non potest debitum actum recte exercere. Unde omnes tenentur scire communiter ea quae sunt fidei, et universalis iuris praecepta, singuli autem ea quae ad eorum statum vel officium spectant. Quaedam vero sunt quae etsi aliquis natus est scire, non tamen ea scire tenetur, sicut theoremata geometriae, et contingencia particularia, nisi in casu. Manifestum est autem quod quicumque negligit habere vel facere id quod tenetur

Aquinas' thought insofar as this study is concerned may now be summarized as follows. From the perspective of the human wayfarer *qua* creature, natural law is as necessary as is God himself; and, because of this necessity, is knowable and discoverable by human reason. Furthermore, only through sin can one fail to know the Decalogue, which forms the core of the natural law. Consequently, no dispensation whatsoever of its precepts is possible. Similarly, no dispensation may be given of the obligation to have explicit faith in either the Trinity or the Incarnation. In both cases, God's benevolent providence guarantees that those sufficiently worthy are able to know what they ought to, so that they may live justly in this world, as well as the next. The only reason that this divine providence could fail is through the *viator's* negligence or an evil choice. Thus, no invincible and therefore excusable ignorance of the Decalogue or the essentials of the divine law is possible. More precisely, the American Indians – whose existence Aquinas of course did not suspect – cannot be excused from their idolatry and human sacrifice based on the latter's writings. The Doctor Angelicus, trusting in the efficaciousness of divine providence, firmly held that it is impossible to be invincibly ignorant of those things all human beings are bound to know. Hence, the early modern theologians who argued against this conclusion must have derived their arguments from other sources – if not an altogether different theological tradition, such as, for example, the one founded by the Franciscan theologian John Duns Scotus.

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habere vel facere, peccat peccato omissionis. Unde propter negligentiam, ignorantia eorum quae aliquis scire tenetur, est peccatum. Non autem imputatur homini ad negligentiam, si nesciat ea quae scire non potest. Unde horum ignorantia invincibilis dicitur, quia scilicet studio superari non potest. Et propter hoc talis ignorantia, cum non sit voluntaria, eo quod non est in potestate nostra eam repellere, non est peccatum. Ex quo patet quod nulla ignorantia invincibilis est peccatum, ignorantia autem vincibilis est peccatum, si sit eorum quae aliquis scire tenetur; non autem si sit eorum quae quis scire non tenetur.”

Scotus' ideas on necessity and contingency, as many modern scholars have noted, represented a clear, as well as influential, break from the older Thomist model.<sup>74</sup> Contingency, according to the Doctor Subtilis, is founded in the free will of God: his actions beyond himself (that is, his actions *ad extra*) are never necessitated, but always arise out of his freely given love.<sup>75</sup> Key to Scotus' conception of free will is that such a will must, at any defined moment, be unrestrained from either willing to do x, or willing not to do x.<sup>76</sup> The divine will is wholly free; and thus able, at and during the very same "instant of eternity," either to will that or will that not, and hence either to produce a certain thing, or not to produce that thing.<sup>77</sup> In this manner, contingency entered the created universe.<sup>78</sup>

With this claim Scotus was arguing against Aquinas, who had maintained that contingency arises from God having deliberately created contingent, and thus unreliable causes. Besides willing some things to come about by necessity, Aquinas insisted, God willed

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74 See the literature listed by Gelber in her *It Could Have Been Otherwise*, 111, n. 9.

75 This paragraph relies on Tobias Hoffmann, "The Distinction Between Nature and Will in Duns Scotus," *Archives d'histoire doctrinale et littéraire du moyen age* 66 (1999), 189-224, esp. 213-19. Cf. Gelber, *It Could Have Been Otherwise*, 123-38.

76 John Duns Scotus, *Lectura* I d. 39, qq. 1-5, n. 45, ed. Carolus Balić et al., *Opera omnia* 17, (Vatican City 1966): "Voluntas enim nostra libera est ad actus oppositos (ut ad volendum et nolendum, et amandam et odiendum), et secundo mediantibus actibus oppositis est libera ad obiecta opposita ut libere tendat in ea, et tertio est libera ad effectus quos producit sive immediate sive movendo alias potentias executivas." Although Scotus here discusses the human will, he does so in order to draw conclusions about the divine will: *ibid.*, "Ad videndum autem quomodo voluntas divina est causa contingentiae, primo videndum est ex parte voluntatis nostrae quomodo ipsa est causa aliquorum contingentium." See also *Lectura* I, d. 39, qq. 1-5, n. 51: "Voluntas [...], quando est causa eliciens actum volendi, contingentem habet habitudinem ad actum, ita quod 'volens in *a*, potest nolle in *a*," where *a* is any defined moment.

77 *Ibid.*, d. 39, q. 1-5, n. 54: "voluntas divina [...] potest in eodem instanti aeternitatis et pro eodem instanti aeternitatis velle et nolle aliquid, et sic producere aliquid et non producere."

78 *Ibid.*, d. 39, q. 1-5, n. 44: "quando intellectus divinus apprehendit 'hoc esse faciendum' ante voluntatis actum, apprehendit ut neutram, sicut cum apprehendo 'astra esse paria,' sed quando per actum voluntatis producitur in esse, tunc est apprehensum ab intellectu divino ut obiectum verum secundum alteram partem contradictionis. Oportet igitur assignare causam contingentiae in rebus ex parte voluntatis divinae."

certain other things to be caused contingently.<sup>79</sup> In a world subject to this view of modality “contingency” is understood to mean that a thing *a* can come about or not come about. In other words, contingency is one-sided, because it only concerns the current existence (or not) of an object or effect. Scotus, by contrast, understood contingency as two-sided. In order for a thing *a* to be caused contingently, not only must it be possible for *a* to come about but also for a thing not-*a* to come about (which we could therefore also call *b*).<sup>80</sup> Hence, Scotus held that not only the current existence of a thing may be contingent, but also – from the perspective of the human wayfarer – the Forms<sup>81</sup> of what currently is.<sup>82</sup> More precisely, while it follows from what Aquinas holds in his *Summa theologiae* that the natural law is contingent insofar as God was free never to create at all, Scotus maintains – as we shall see shortly – that the natural law, in addition to being possible not to be, is also able to be *different* than it is now.

Scotus’ conception of contingency dug a number of potential epistemological pitfalls.

Aristotle had authoritatively argued that *scientia* could only be had of necessary, rather than

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79 E.g. Aquinas, *Summa theologiae*, I, q. 22, a. 4: “ad divinam providentiam pertinet omnes gradus entium producere. Et ideo quibusdam effectibus praeparavit causas necessarias, ut necessario evenirent; quibusdam vero causas contingentes, ut evenirent contingenter, secundum conditionem proximarum causarum.”

80 Scotus, *Ordinatio* I, d. 2, q. 1-2, n. 86, ed. Carolus Balić et al., *Opera omnia* 2, (Vatican City 1950): “dico quod non voco hic contingens quodcumque non-necessarium vel non-semperiternum, sed cuius oppositum posset fieri quando illud fit.” Cf. id. *Tractatus de primo principio*, ed-transl. Wolfgang Kluxen (Darmstadt 1974), c. 4, concl. 4: 70. Cf. Gelber, *It Could Have Been Otherwise*, 107-13. It should be noted that Gelber uses the terms “one-sided” and “two-sided” somewhat differently than I have. Nonetheless, her argument points in the same direction.

81 “Form” is merely another term for a platonic Idea. See pp. 57-58, above.

82 Aquinas denied this, for him, only matter imposes contingency. Form, by contrast, imposes necessity, which means that Forms themselves must be necessary, too – if only *ex suppositione*. See Aquinas, *Summa theologiae*, I, q. 86, a. 3: “Est autem unumquodque contingens ex parte materiae, quia contingens est quod potest esse et non esse; potentia autem pertinet ad materiam. Necessitas autem consequitur rationem formae, quia ea quae consequuntur ad formam, ex necessitate insunt.”

contingent things.<sup>83</sup> A major consequence of Scotus' innovations, however, was that the phenomena of the physical realm no longer appeared to possess the same necessity as authors before him had assumed. Aquinas, for example, had held that a contingent thing *a* could be actualized or not; but its metaphysical Form *d* could in no way be otherwise than it was. Scotus, by contrast, argued that a contingent thing *a* could be actualized or not, *and* that the metaphysical Form not-*d* could be employed in place of Form *d*. In other words, the Forms of which the earthly phenomena are but reflections no longer seem necessary; and thus, if Aristotle is to be believed, *scientia* becomes impossible.

Scotus himself was fully aware of this danger; and his solution to this predicament was to put forward the argument that while actualized existence is caused by the God's free will, potential existence is caused by the divine intellect.<sup>84</sup> Differently put, the metaphysical Forms of all possible things that are not self- or mutually contradictory exist immutably in the divine intellect in a logical (but not temporal) priority to the actualization of some of these by the divine will. Hence, whereas the existence of a thing may be contingent, its Form, or "inner intelligible structure" is always necessary and thus subject to scientific speculation – and so potentially to human certitude.<sup>85</sup>

Nonetheless, Scotus' position that the divine intellect contains many unactualized – but not definitively discarded – possibilities undermines the relative range of human certitude. The existence of these unactualized possibilities implies that many things of which

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83 See n. 47, above.

84 Scotus, *Lectura* I, d. 39, q. 1-5, n. 63: "voluntas autem determinat se ad unam partem, ponendo in esse vel non in esse." id., *Ordinatio* I, d. 43, q. un., n. 14: "[Deus] per ipsam potentiam [...] non habet obiectum quod sit primo possibile, sed per intellectum divinum, producentem illud primo in esse intelligibili [...]; et tunc res producta in tali esse ab intellectu divino – scilicet intelligibili – in primo instanti naturae, [...]."

85 Hofmann, "The Distinction Between Nature and Will," 218-19. Cf. Ludger Honnefelder, *Scientia transcendens. Die formale Bestimmung der Seiendheit und Realität in der Metaphysik des Mittelalters und Neuzeit* (Hamburg 1990), 22-31.

*scientia* could potentially be had (if God should decide to create them) are currently completely beyond the scope of human experience. As a result, beyond what may be scientifically known *now*, looms a vast sphere of potential scientific knowledge – namely of things *that may yet be* – that is altogether inaccessible to human reason. In other words, the extent of current human knowledge has shrunk dramatically in respect to what at some later moment could (or even ought) to be known; and thus, relatively speaking, human ignorance increases. Furthermore, we have seen that Scotus argued that the determinations of the divine will are wholly contingent: if God has the capacity to will something, then he also has the capacity to will its opposite. Moreover, since time is a *created* reality, neither God, nor his volition are subject to it. To human beings it could thus appear that God wills differently from what he has willed before.<sup>86</sup> As a result, from the perspective of the *viator*, divine action *ad extra* – that is, in the world – may seem unpredictable.

We may summarize the import of Scotus’ position thus: his insistence on a truly contingent divine will and, more specifically, the existence of unactualized possibilities in the divine intellect, potentially limited human certitude in two significant ways. First, the *extent* of what human beings may currently know with certitude contracted, albeit relatively. Second, because divine action could appear more unpredictable, the *measure* of “scientific” certitude to be had regarding to the stability of the world might diminish as well.

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86 Cf. Allan B. Wolter, “Native Freedom of the Will as a Key to the Ethics of Scotus,” in *Deus et homo ad mentem I. Duns Scoti. Acta Tertii Congressus Scotistici Internationalis Vindebonae, Sept. 28-Oct 2, 1970* (Rome 1972), 359-70: 370: “If nature’s perfection is not an absolute value that must be placed above all else, then God, for whom ‘a thousand years are as one day’ (2 Pe, 3:8), is under no constraint to see that it be attained at once. The conception of a nature that achieves its end or perfection only gradually and by an internal mechanism that allows for a trial and error method of progression does not seem foreign to or incompatible with the conception of God that Scotus held. Though he stated the principle of evolutionary development *Deus ordinate agens procedit de imperfecto ad perfectum* (*Ordinatio* IV, d. 1, q. 3, n. 8) in reference to God’s supernaturally revealed law, *there seems no reason why it cannot be extended to his promulgation of the law of nature as well* [my emphasis], viz. to a gradual growth in moral awareness, protracted over a period of centuries or even millennia if you will. *In processu generationis humanae, semper crevit notitia veritatis.*”

These conclusions had major implications for Scotus' conception of the natural law, as well as the extent to which this law may be known by the *viator*. As we shall see in greater detail below, Scotus held that like the rest of creation, natural law is contingent in the sense that, even now, it could be different than it is. Additionally, if God so wills, natural law may actually change. Moreover, the lack of necessity and the apparent changeability of the natural law would affect any process through which – and thus to what degree – this law could be known, for even if human wayfarers are able to know the current commandments of the natural law, they might remain ignorant of its future precepts.

Contrary to Aquinas, who had argued that the natural law originated from a necessary reflection (albeit *ex suppositione*) of the immutable divine intellect, Scotus maintained that the natural law was the result of a contingent determination by the free will of God.<sup>87</sup> This voluntarist conception of the natural law, as pointed out above, substantially reduces the accessibility of natural ethics to human reason. Modern scholars have been divided on the question as to the extent that natural, that is, non-revealed knowledge of proper morality, is still possible in the Scotist system.<sup>88</sup> Since this issue is directly related to the possibility of suffering from an invincible ignorance of the natural law, we must now further investigate this question.

The *locus classicus* that most helpfully outlines Scotus' thoughts on the natural law is his *Ordinatio* III, d. 37, where the Doctor Subtilis questions whether all the precepts of the

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87 For a brief, but neat juxtaposition of Aquinas' and Scotus' conceptions of natural law, see e.g. D.E. Luscombe, "Natural Morality and Natural Law," in Kretzmann *et al.* eds., *The Cambridge History of Later Medieval Philosophy*, 705-19: 709-14.

88 See e.g. Ludger Honnefelder, "Metaphysik und Ethik bei Johannes Duns Scotus: Forschungsergebnisse und -perspektiven. Eine Einführung," in id, Rega Wood and Mechthild Dreyer eds., *John Duns Scotus. Metaphysics and Ethics* (Leiden, etc. 1996), 1-33: 24-30.

Decalogue belong to the law of nature.<sup>89</sup> In addressing this issue, Scotus argues against the position shared by Aquinas, if not directly against the Doctor Angelicus himself.<sup>90</sup> Contrary to the latter, Scotus denies that the commandment “thou shalt not kill,” for example, is reflective of the immutable divine intellect. He therefore denies that this precept is good in an absolute sense; and hence, that God cannot give dispensation from it.<sup>91</sup> It is evident, after all, that God has acted against this commandment by ordering Abraham to sacrifice his son Isaac.<sup>92</sup> It seems, therefore, that either the natural law is not universally valid, or that not all commandments of the Decalogue belong to the law of nature. Either option, however, would go against established tradition and authority.

Scotus solves this predicament by declaring that commandments may belong to the natural law in two different ways. Precepts belong to the natural law in the first way, if they are self-evidently morally just or are the necessary conclusions following from these self-

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89 Allan Wolter has gathered and translated the most relevant texts by Scotus on natural law in his *Duns Scotus on the Will and Morality* (Washington DC 1986), 57-73; 263-311.

90 Scotus, *Ordinatio* III, d. 37, q. un., n.1, nn. 8-9 (For Aquinas’ position cf. nn. 67-68, above): “Circa distinctionem trigesimam septimam quaero utrum omnia praecepta decalogi sint de lege naturae. [...] Hic dicitur [a quibusdam] quod sic. Et ponitur modus talis: lex naturae est lex descendens ex principiis primo notis in agibilibus; talia quidem sunt prima principia practica, nota ex terminis, quae sunt ipsa prima seminaria veritatis, ad quorum veritatem inclinatur naturaliter intellectus ex terminis, et ad assentiendum dictamini tali naturaliter inclinatur voluntas; ex talibus principiis sequitur omnia, mediate vel immediate, quaecumque sunt in decalogo. Omnia enim quae ibi praecipuntur, habent bonitatem formalem, qua secundum se ordinata sunt ad finem ultimum, ut per illa homo convertatur ad illum finem. [...] ita quod illa quae praecipuntur; non sunt bonum tantum quia praecepta, sed e converso ‘quia bona, ideo praecepta,’ [...]”

91 Ibid., d. 37, q. un., nn. 13, 15: “Quaero ergo an stantibus omnibus circumstantiis eisdem in isto actu ‘occidere hominem,’ ista circumstantia sola variata ‘prohibitum et non-prohibitum,’ possit Deus facere quod iste actus, qui cum eisdem circumstantiis aliis aliquando est prohibitum et illicitus, alias esset non prohibitum, sed licitus? [...] Hoc [opponens] respondet [...] nam intellectus divinus ante apprehendit terminos istos [huius propositionis], et potest apprehendere ex eis veritatem complexionis, quam scilicet complexio habet ex terminis aliter, prius natura quam voluntas sua aliquem actum habeat circa ea; ergo in secundo signo naturae, quando voluntas habet actum circa illa, oportet necessario quod conformiter velit illi dictamini, et ita non potest est velle oppositum.”

92 Ibid., d. 37, q. un., n. 13: “[Deus] non potest facere quod ‘occidere’ non sit prohibitum, – cuius [autem] oppositum manifeste patet de Abraham et de multis aliis.”



evident precepts.<sup>93</sup> Second, there are obligations that are neither self-evident, nor necessary, but which are “very much in harmony” with the first principles.<sup>94</sup> Of the Decalogue, only the commandments that have God immediately as their object belong to the natural law in the first, strictest sense. These include the first two – “You shall not have other Gods before me” and “You shall not take the name of the Lord, your God, in vain” – and perhaps the third, which concerns the observation of the Sabbath.<sup>95</sup> These commandments, which are most accurately summarized as “Do not hate God,” detail the proper service that is due to the creator of humankind; and hence are necessary, wholly immutable and from which there cannot be dispensation.<sup>96</sup> The other commandments, namely those belonging to the second table, are those from which there can be dispensation, as evidenced, for instance, by God’s command to Abraham that his son Isaac be sacrificed. Scotus summarizes his findings as follows:

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93 Ibid., d. 37, q. un., nn. 16-17: “Ad quaestionem ergo dico quod aliqua possunt dici esse de lege naturae dupliciter. Uno modo tamquam principia practica nota ex terminis, vel conclusiones necessario sequentes ex eis. Et haec dicuntur strictissime de lege naturae. [...] in talibus non potest esse dispensatio (et de istis habetur in *Canone*, ‘Denique,’ 4 distinctione in fine, ubi dicitur quod ‘naturale ius coepit ab exordio rationalis creaturae nec mutatur tempore, sed immutabile permanet’) – quas concedo.”

94 Ibid., d. 37, q. un. nn. 25-26: “Alio modo dicuntur aliqua esse de lege naturae, quia multum consona illi legi, licet non necessario consequantur ex primis principiis practicis, quae nota sunt ex terminis et omni intellectui necessario nota. Et hoc modo certum est omnia praecepta – etiam secundae tabulae – esse de lege naturae, quia eorum rectitudo valde consonat primis principiis practicis necessario notis.”

95 Ibid., d. 37, q. un., nn. 19-20: “De praeceptis autem primae tabulae secus est, quia illa immediate respiciunt Deum pro obiecto. Duo quidem prima, si intelligantur tantum esse negativa, primum scilicet *Non habebis deos alienos*, et secundum *Non accipies nomen dei tui in vanum*, hoc est ‘non facies deo irreverentiam,’ illa sunt de lege naturae, stricte sumendo legem naturae, quia necessario sequitur ‘si est deus, est amandus ut deus solus.’ Similiter, sequitur quod ‘nihil aliud est colendum ut deus, nec deo est irreverentia facienda.’ Et per consequens in istis non poterit Deus dispensare, ut aliquis possit facere oppositum huius vel illius prohibiti.” Scotus is uncertain whether the third precept belongs *strictissime* to the natural law, or not. See *ibid.*, nn. 22-23.

96 Ibid., d. 37, q. un., n. 32: “illud praeceptum ‘Diliges Dominum Deum tuum,’ etc. non est simpliciter de lege naturae in quantum est affirmativum, sed in quantum est negativum, prohibens oppositum: simpliciter enim est de lege naturae ‘non odire,’ – sed an ‘aliquando amare,’ dubitatum est prius in tertio articulo [decalogi].” For the impossibility of dispensation see n. 95 above.

To put all that we have said together, first we deny that all the commandments of the second table pertain strictly to the law of nature; second, we admit that the first two commandments belong strictly to the law of nature; third there is some doubt about the third commandment of the first table; fourth, we concede that all the commandments fall under the law of nature, speaking broadly.<sup>97</sup>

In Scotus' view, then, the commandments of the second table, which are not "strictly" part of the law of nature, are neither self-evident, nor necessary conclusions. Instead, they are merely "consonant" with the self-evident and necessary precepts of the first table. Thus, while the first few precepts of the Decalogue may be universally and infallibly known, it would seem there is no such guarantee with regard to the commandments of the second table. Yet, Scotus did not argue that the majority of ethical rules are instituted at random or subject to arbitrary dispensations by the supreme legislator. Even though dispensations sometimes occur, this does not mean that some individuals are temporarily allowed to perform acts which remain forbidden to others. "For to give dispensation," Scotus claims, "does not consist in letting the precept stand and permitting one to act against it, but rather to revoke the precept or declare how it is to be understood."<sup>98</sup> In other words, when God commanded Abraham to kill his son Isaac, the dispensation from the regular prohibition against murder consisted first of a revocation of the existing prohibition and,

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97 Ibid., d. 37, q. un., n. 29 (English translation by Wolter, *Duns Scotus on the Will and Morality*, 281): "Sic ergo recolligendo, primo negatum est omnia praecepta secundae tabulae esse stricte de lege naturae; et secundo concessum est duo prima praecepta primae tabulae esse stricte de lege naturae; tertio dubitatum est de tertio praecepto primae tabulae; et quarto concessum est de omnibus quod sunt de lege naturae, large loquendo."

98 Ibid., d. 37, q. un., n. 13: "'Dispensare' enim non est facere quod stante praecepto liceat facere contra praeceptum, sed 'dispensare' est revocare praeceptum vel declarare qualiter debeat intelligi, – est enim duplex dispensatio, scilicet iuris revocatio et iuris declaratio."

second, of the replacement of the original moral order with a new one that was wholly in accordance with the divine command.<sup>99</sup>

Thus, even if the moral rules of the created universe are not constant, they are always coherent. Although God certainly is able to replace one moral order with another, it is, as Hannes Möhle has pointed out, “always an *order* that is being replaced.”<sup>100</sup> Furthermore, if the commandments of the second table are very much consonant with the precepts of the first table, they must also be compatible with each other.<sup>101</sup> Additionally, the precepts of the second table should not be considered absolutely, but rather in relation to their relative import. Monogamy and polygamy, for example, may both be licit, depending on which divinely determined end carries the greatest need at a particular time. When the earth needed to be populated with as many offspring as possible, polygamy was fitting, and hence licit to the biblical patriarchs. Nowadays, by contrast, it is more fitting that unchastity be restrained, whence God has seen fit to command monogamy.<sup>102</sup>

The coherence of the current moral order as well as its reliance on the principle that the greater good is to be promoted and the greater evil to be avoided partially offsets the

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99 Hannes Möhle, “Scotus’s Theory of Natural Law,” in Thomas Williams ed., *The Cambridge Companion to Duns Scotus* (Cambridge 2003), 312-31: 317-18. Möhle bases this conclusion on Scotus’ discussion of the distinction between God’s absolute and ordained power: if God, acting *de potentia absoluta*, would do things not in accordance with his previously established laws, he would nonetheless act ordinately with regards to *some other order* that the divine will would then establish in place of the original one. See Scotus, *Ordinatio* I, d. 44, nn. 7-8: “Deus ergo, agere potens secundum illas rectas leges ut praefixae sunt ab eo, dicitur agere secundum potentiam ordinatam; ut autem potest multa agere quae non sunt secundum illas leges iam praefixas, sed praeter illas, dicitur eius potentia absoluta [...] et tunc potentia eius absoluta ad aliquid, non se extendit ad aliud quam ad illud quod ordinate fieret, si fieret: non quidem fieret ordinate secundum istum ordinem, *sed fieret ordinate secundum alium ordinem* [my emphasis], quem ordinem ita posset voluntas divina statuere sicut potest agere.”

100 Möhle, “Scotus’s Theory of Natural Law,” 318. (Emphasis in original.)

101 Ibid., 319.

102 Ibid., 322.

lack of logical necessity in the secondary precepts of the natural law. Nonetheless, Scotus' claim that these secondary precepts are not necessary, but rather contingent, potentially created a situation in which human wayfarers could no longer rely on their reason alone to gain knowledge of these commandments. In addition to reason, *viatores* were forced to apply their practical wisdom, or prudence.<sup>103</sup> Contrary to reason, however, prudence does not lead the wayfarer to necessary conclusions. Moreover, prudence is a virtue concerned with the practice of living well. Prudence, therefore, does not concern the universal, but rather, since the conditions of individual human beings vary, the particular; and hence cannot by itself lead the *viator* to *scientia*.<sup>104</sup>

From this follow two important conclusions. First, although prudence may lead to sufficient certitude regarding the secondary, non-necessary precepts of the natural law, it cannot by itself lead to absolute, that is, *scientific* certitude. Second, because prudence is a virtue, it may become a *habitus* through practice and training. If then the natural law is to some extent known through prudence, ignorance of this law could theoretically be remedied by upbringing and education. The call by such sixteenth-century theologians as Vitoria and other sixteenth-century theologians to educate the Indians in order to render vincible and so overcome their hitherto invincible ignorance of the natural law (as further discussed from chapter 5 onwards) is therefore the response one could expect of a voluntarist who subscribes to the idea that the natural law is based upon the contingent, free will of God.

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103 Ibid., 328, but especially Mary Elizabeth Ingham, "Practical Wisdom: Scotus's Presentation of Prudence," in Honnefelder *et al.* eds, *John Duns Scotus*, 551-71: 553: "[Scotus] expands the role of prudence to include aspects of moral science and knowledge of first principles."

104 John Duns Scotus, *Quaestiones subtilissimae super libros in metaphysicorum Aristotelis*, VI, q. 1, n. 14, in: Giovanni Lauriola ed. *Opera omnia editio minor*, I: *Opera philosophica* (Alberobello 1998), 1-550: 279: illa definitio [prudential] debet intelligi de ratione agibilium, id est, directiva circa agibilia perfecte et immediate et in particulari. Sed scientia moralis est alio modo respectu agibilium, scilicet in universali, et insufficiens ex se ad dirigendum circa ista." Cf. Ingham, "Practical Wisdom," 559-60.

In contrast to Scotus, Aquinas had maintained that the entire natural law is necessary and therefore primarily known through reason. Besides having argued that human reason could only fail to know the natural law on account of sinful passions or corrupt habits, for the Doctor Angelicus training and education would not in any case be a proper response to reason's inability to recognize particular requirements of natural law. Significantly enough, intellectual understanding (*intellectus*) is the only intellectual virtue that Aristotle had not deemed a *habitus*.<sup>105</sup> Hence, from the perspective of an intellectualist, for whom the natural law is necessary and known through reason, education and training are unsuited for remedying the ignorance of the natural law, as understanding is inborn rather than acquired. Be that as it may, an essential part of Aquinas' argument is that every human being is created sufficiently rational to know the natural law. Consequently, the ignorance of the American Indians in this regard can only be willful; and hence correction would be a more suitable remedy than education. Concerning this issue at least, Sepúlveda, often typified as the great persecutor of the American Indians, appears as a considerably more faithful Thomist than do Vitoria and his fellow Salamancans.

Does this mean that Scotus' thought provides sufficient basis first, to exculpate the Indians for their perceived offenses against natural law and second, to portray their ignorance of its precepts as invincible? The answer to this question would be: "not quite." After all, Scotus held that the commandments of the first table of the Decalogue are both necessary and accessible to all. Idolatry, then, is still invariably prohibited. Yet, Scotus also maintained that, properly speaking, the precepts of the first table ought to be understood negatively, i.e., as "do not hate God." As we will see later, this particular formulation would

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<sup>105</sup> See above, chapter 1, n. 33.

offer the defenders of the American natives some useful leeway. Additionally, Scotus replies in the following manner to the claim that the law of nature and its concomitant obligations are always known despite “not being written:”

I say that although God’s existence could have been inferred by natural reason from principles known in themselves, for the ignorant people unskilled in intellectual matters, it would be known only from revealed law.<sup>106</sup>

While this conclusion could seem to excuse the Indians even for their idolatry, Scotus himself counters this argument by stating that the commandments of the second table were always and invariably “either prescribed in the heart of everyone or perhaps given [to the heart] by God through some teaching given from outside.”<sup>107</sup> If God did so with regard to the precepts of the second table, it appears inexplicable that he had chosen not to do so regarding the commandments of the first. Of course, we must remember that God *did* reveal himself; and Scotus, who was obviously ignorant of the existence of the New World, had no reason to assume that the Christian truth had not been preached throughout all inhabited lands.<sup>108</sup>

Thus, although Scotus held that ignorance, even of revealed law, does not excuse, and considered it licit for a prince forcibly to baptize the children of unbelievers, his thought

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106 Scotus, *Ordinatio* III, d. 37, q. un., n. 41 (English translation by Wolter, *Duns Scotus on the Will and Morality*, 285): “dico quod etsi ‘Deum esse’ posset concludi ratione naturali ex principiis per se notis, tamen populo illi rudi et inexercitato in intellectualibus non erat hoc notum nisi ex Lege data.”

107 Ibid., III, d. 37, q. un., n. 42: “[...] ista praecepta, quae erant praescripta interiorius in corde cuiuslibet, – vel forte per aliquam doctrinam exteriorem datam a Deo...”

108 Although Scotus in *Lectura* III, d. 25: (“Utrum ante adventum Christi fuit fides necessaria de iis quae modo nos credimus”), questions whether before the advent of Christ *viatores* could justly believe differently than “we believe now,” he appears – in accordance with medieval tradition, which held that shortly after Christ’s resurrection the Gospel had been preached throughout the entire world – to allow for no other exceptions. For the sixteenth-century controversy about this issue, see below, chapter 6, pp. 244-50.

nonetheless created a number of avenues that could and eventually would be used to justify the institution of protective measures in favor of the American Indians.<sup>109</sup> More precisely, Scotus' conclusions made it considerably easier for sixteenth-century theologians to ascribe invincible rather than willful ignorance of the natural law to the American natives; after all, Scotus had maintained that the natural law is contingent and thus subject to change. Furthermore, on Scotus' account the natural law is for the most part not self-evident, so that, in order to know it, the human wayfarer cannot rely solely on reason but must employ his prudence as well. Consequently, absolute certitude regarding the precepts of the natural law, "broadly speaking," could no longer be had. Finally, and most seriously, even the existence of God could remain unknown to those "unskilled in intellectual matters," if not for the efficaciousness of divine revelation. When, in the course of the sixteenth-century, scholars deemed it increasingly likely that the Christian message had never before been preached in the New World, this particular finding gained a new, albeit disturbing relevance.

### Conclusion

At the end of this chapter, I wish to briefly compare, once more, the positions of Aquinas and Scotus on the possibility of suffering ignorance of the natural law. While Aquinas had maintained that the natural law is known primarily through reason and thus potentially with absolute, scientific certitude, Scotus argued that this knowledge additionally depended on the prudence of the *viator*. This claim had two major consequences. First,

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109 See e.g. Scotus, *Ordinatio* IV, d. 6, pars 4, q. 2, nn. 172-73: "[...] ignorantia iuris [...] non excusat. Aut enim potest intelligi ignorantia iuris divini [...], et patet quod ignorantia talis praecepti non excusat a peccato nec a poena infligenda a Deo pro peccato." And also: *Ordinatio* IV, d. 4, pars 4, q. 3, nn. 169-70: "Et per consequens non solum licet, sed etiam debet princeps auferre parvulos a dominio parentum volentium eos educare contra cultum Dei, qui est supremus et honestissimus Dominus, et debet eos applicare cultui divino. Dico igitur breviter quod si princeps hoc faceret cum cautela bona [...] bene fieret."

prudence, being a virtue concerned with practical questions, could by itself never lead to absolute certitude. Second, prudence, contrary to the reasoning powers of the intellect, could, with sufficient practice, become a *habitus*. Hence only in the Scotist system could ignorance of the natural law be remedied through instruction and training.

More generally speaking, Scotus' worldview, which was based on a truly contingent, divine free will, allowed for many more *theoretical* possibilities of suffering ignorance than the more deterministic, intellectualist outlook of Aquinas. Although Scotus himself effectively denied many of these possibilities by assuming an unfailing divine providence, the concern that they lurked in his system nonetheless, motivated later medieval theologians' tendency to posit an obligational or covenantal theology. Such a theology is predicated upon the existence of different abilities or gradations of knowledge in individual *viatores*, for if these differences did not exist, there would be no reason why God could not demand the same of us all.<sup>110</sup>

And, as mentioned above, an important element of any obligational theology is the assumption that moral good is not absolute. Accordingly, human wayfarers are not expected to live up to some immutable moral standard in order to gain salvation, but rather to do whatever God expects of them – which is therefore good by definition.

Finally, then, we may conclude that (a) voluntarism, (b) the contingency of the (present) moral order, (c) diminished certitude and (d) obligational theology are closely related themes. More specifically, while the first three of these appear to be necessary preconditions for the positing of any meaningful degree of invincible ignorance, the fourth,

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110 The seeds of an obligational theology are indeed present in Scotus' works. See e.g. *Lectura* III, d. 25, esp. nn. 22-29, where Scotus argues that the learned are required to believe certain things explicitly, while implicit faith in these things is sufficient for the more simple-minded.



obligational theology, may be considered an appropriate response to the concomitant decrease in overall certitude. In the next two chapters, we further explore these connections in the writings of several late medieval scholastics. One conclusion may already be obvious, that we will find that the tradition which emerged with Scotus, more so than orthodox Thomism, provided the theoretical underpinnings for sixteenth- and seventeenth-century theologians to ascribe a substantial amount of invincible ignorance to the American Indians.

PART II:  
THE LATER MIDDLE AGES

CHAPTER 3  
DISREGARDING AQUINAS: DIVINE FREEDOM IN THE  
FOURTEENTH CENTURY

Scotus' voluntarism, and especially the concomitant stress on divine freedom and the contingency of the present order, profoundly affected subsequent theological speculation.<sup>1</sup> This is not to say that the Subtle Doctor's *specific* findings were universally – or even generally – accepted, but rather that henceforth few theologians were willing to maintain that the realm of potential divine action was coextensive with divine action as actually expressed in the present state of affairs. In other words, it became increasingly unfashionable to see divine freedom as forever restrained by once-established divine ordinances.

As indicated earlier, this development would eventually have far-reaching consequences where Spanish attitudes toward their involuntary New World subjects were concerned. Our narrative of this development well into the intervening fourteenth century will be carried forward by three notable scholars: Durandus de Saint-Pourçain OP (ca. 1275-1332/4), Robert Holcot OP (ca. 1290-1349), and Gregory of Rimini OESA (ca. 1300-1358). The reasons for focusing on these particular theologians are further explained below; for the moment it is sufficient to say that their thought contributed significantly to the intellectual environment in which their Spanish, sixteenth-century colleagues eventually operated.

For the intents and purposes of *this* particular project, the fourteenth-century theologians under scrutiny here have been considerably better studied than their later, more famous counterparts Vitoria, Soto, and Suárez. Thus, to a much greater degree than in

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<sup>1</sup> See: Gelber, *It Could Have Been Otherwise*, 111, esp. n. 9.

subsequent chapters, we enjoy the good fortune of being able to rely on a significant amount of relevant secondary literature.

From a purely Western European perspective, the world had dramatically increased in size by the fourteenth century. Not only had contacts been established with the once pagan Mongols in central and east Asia, but also with various eastern Christian Churches – namely the Nestorian (Syrian), Armenian, and Ruthenian – which, for many centuries, had been cut off from Latin Christianity.<sup>2</sup> In parallel with these developments, western theologians started to question the traditional assumption that unbelief and heresy were invariably caused by an evil will and guilty stubbornness. Instead, factors beyond the control of individual *viatores*, such as upbringing, tradition, and even simplemindedness, were increasingly identified as contributing causes of religious heterodoxy.<sup>3</sup> As Albert Lang has pointed out, increased awareness of these divergences had convinced theologians of the necessity of a greater degree of religious toleration as early the fourteenth century.<sup>4</sup>

Theologians came to support the argument for toleration by deploying the theological distinction between implicit and explicit faith. Prior to the beginning of the thirteenth century, theologians agreed that the faith of the laity, or *simplices*, was often “veiled” or “unclear” (*fides velata vel indistincta*). Later scholars, however, tended to ascribe to the uneducated a faith that was termed “implicit.” While “unclear faith” is distinctly opposed to “lucid faith,” implicit faith is *effectively* indistinguishable from explicit faith. More precisely,

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2 See James Muldoon, *Popes, Lawyers and Infidels. The Church and the Non-Christian World, 1250-1550* (Philadelphia 1979), esp. pp. 72-91; id., “The Avignon Papacy and the Frontiers of Christendom. The Evidence of Vatican Register 62,” *Archivum historiae pontificiae* 17 (1979), 125-95, esp. 150-56; 171-86.

3 Albert Lang, *Die Entfaltung des apologetischen Problems in der Scholastik des Mittelalters* (Freiburg, etc. 1962), 190-94.

4 *Ibid.*, 193.

the notion of implicit faith conveys that those individuals who believe what God has revealed and what the Bible and the Church teach thereby confess automatically to the entire faith, even if they do not explicitly know some of its elements.<sup>5</sup>

Accordingly, the efficacy of implicit and explicit faith is all but identical except for those articles of the faith that, as tradition would have it, must always be believed explicitly. Thus, acceptance of the general sufficiency of implicit faith made distinguishing accurately between believers and unbelievers considerably harder, a difficulty that was further compounded when, in the course of the sixteenth and seventeenth centuries, theologians argued that implicit faith could be had without any knowledge of the Scriptures or of the Church and that a theoretical willingness to believe explicitly would, under certain circumstances, rank a *viator* among the faithful. Hence, in order to avoid unjust punishments, a greater tolerance of (seeming) religious diversity would have to be instituted.

This still very partial acceptance by various human authorities of a multiformity of religious expression echoed what they understood as a similar forbearance on behalf of God himself. Significantly, late medieval theologians generally distinguished between two species of merit, namely *meritum de condigno* and *meritum de congruo*. Condign merit is that earned in precise proportion to the intrinsic worth of the underlying act. Yet, in order to avoid falling into the Pelagian heresy, theologians were forced to maintain that *viatores* could not earn such merit without first having received grace. But how, then, could wayfarers act meritoriously in preparation for receiving grace? The answer to that question was provided by the concept of “congruous merit”

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<sup>5</sup> Ibid., 88-91.

*Meritum de congruo* – at least according to late medieval theologians such as Holcot and Biel<sup>6</sup> – is merit earned in agreement with the extrinsic worth of the underlying act, *as freely determined by God*. By accepting such acts in the fullness of his mercy, God is able to provide the *viator* with merit in response to an act that in itself would have insufficient intrinsic worth. Indeed, being omnibenevolent, God must be deemed so merciful that even wholly worthless acts could be met with the reward of unwarranted merit. Thus, justified pessimism regarding the insignificance and insufficiency of human efforts – including religious ritual and priestly intercession – was tempered by an optimism regarding God’s merciful willingness to accept almost any feeble human effort as deserving of grace, so long as the individual in question had done his utmost.

For obvious reasons, acts of religious worship that were potentially acceptable to God, no matter how apparently worthless, could hardly be condemned by human authority. In theory, then, the proper theological response would be to advocate a greater degree of religious toleration. It now remains to be seen to what extent the thought of Durandus, Holcot and Rimini actually agrees with this preliminary assessment.

#### Durandus de Saint-Pourçain

Durandus was born in the Auvergne around 1275, or perhaps slightly earlier.<sup>7</sup> In 1303, he seems to have been in residence at the Dominican monastery of Saint-Jacques in

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6 Oberman, “*Facientibus*,” 328. See also id., *Harvest of Medieval Theology*, 169-74; 246.

7 For Durandus’ biography see Joseph Koch, *Durandus de S. Porciano O.P. Forschungen zum Streit um Thomas von Aquin zu Beginn des 14. Jahrhunderts. Erster Teil: Literargeschichtliche Grundlegung*. Beiträge zur Geschichte der Philosophie des Mittelalters. Texte und Untersuchungen, vol. 26 (Münster 1927), 391-436. For a more recent, but briefer overview, see e.g. Isabel Iribarren, *Durandus of St. Pourçain. A Dominican Theologian in the Shadow of Aquinas* (Oxford 2005), 1-9.

Paris. Next, in 1307 or 1308, Durandus completed a first redaction of his *Sentences* commentary, which soon saw widespread circulation. Authorities within the Dominican Order, however, strongly disapproved of Durandus' work on several grounds. First, because his commentary appears to have been a preliminary work, composed at some local Dominican *studium*, and so lacked the official sanction of university examination and approval.<sup>8</sup> Second, Durandus' commentary, contrary to the then prevailing mood in the Dominican Order, openly departed from Thomist teaching. Significantly, the General Chapters of the Dominican Order in Saragossa (1309) and Metz (1313) would soon legislate that Aquinas' doctrines were to be favored over all others and, furthermore, that conformity to the teachings of the Doctor Angelicus was to be required.<sup>9</sup>

Despite the controversy surrounding his first *Sentences* commentary, Durandus was allowed to continue his studies at the University of Paris, where he lectured on Peter Lombard's text between 1310 and 1312. The resulting second redaction of his *Sentences* commentary was considerably more reflective of his order's doctrinal preferences. After finishing his term as *baccalaureus sententiarium* in 1312, Durandus was appointed to serve the usual two-year period as regent master in theology. Already in 1313, however, he had left to become lector at the papal curia in Avignon, where he would stay until 1317.

Meanwhile, Durandus' doctrinal independence had contributed to a lingering unease within the Dominican hierarchy. As a result, the order's master general, Berengar of Landorra, ordered an investigation of both redactions of Durandus' *Sentences* commentary that resulted in the censure of ninety-one theses in 1314. Following a second investigation,

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8 Iribarren, *Durandus of St. Pourçain*, 2-3, esp. nn. 6, 8.

9 See: *Acta capitulorum generalium Ordinis Praedicatorum*, ed. B.M. Reichert, 2 vols, Monumenta Ordinis Fratrum Praedicatorum Historica 3-4 (Rome 1889-99), vol. 2: 38, 64.

another 235 non-Thomist theses were censured in 1317. The most prominent opponent of Durandus during these years was Hervaeus Natalis, who, prior to succeeding Berengar of Landorra as master general, was the French provincial general of the Dominican Order.<sup>10</sup>

Durandus' deviations from Thomist doctrine in no way impugned his reputation of Catholic orthodoxy. Pope John XXII thought fit to reward Durandus with the newly instituted bishopric of Limoux in 1317, an appointment that, as an additional boon, brought a welcome freedom from Dominican jurisdiction. Soon however, following the unexpected dissolution of his diocese, Durandus was transferred to the bishopric of Le Puy before finally being appointed as bishop of Meaux in 1326.

Between 1318 and 1327, Durandus completed yet a third redaction of his *Sentences* commentary, in which he abandoned most, if not all, of the compromises that he had been required to incorporate into his second redaction.<sup>11</sup> Durandus died in 1334, having spent his last years dealing with the dispute over the beatific vision, earning him the enmity of his erstwhile protector John XXII. Yet, it seems likely that it was Durandus' resolute rejection of Thomism which helped create the myth (contrived by a Dominican with an ideological axe to grind?) that the following epitaph adorned his grave:

Here, under unbending marble, lies the unbending Durandus.  
Whether he ought to burn, I neither know, nor care.<sup>12</sup>

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10 For the theological controversies between Durandus and Hervaeus, see Iribarren, *Durandus of St. Pourçain*, 91ff, as well as Elizabeth Lowe, *The Contested Theological Authority of Thomas Aquinas. The Controversies between Hervaeus Natalis and Durandus of St. Pourçain* (New York and London 2003), esp. 72-82.

11 Koch, *Durandus de S. Porciano*, 82.

12 Ibid., 397: "Durus Durandus jacet hic sub marmore duro. An sit cremandus? Nec ego scio, sed neque curo."



Despite this decidedly unsympathetic remembrance, Durandus' thought was very influential. "He was," as William Courtenay remarks, "one of the most frequently cited Dominicans of the century."<sup>13</sup> The Parisian nominalist Jean Gerson (d. 1429) judged Durandus to be among the doctors who had written "more clearly and solidly" than most others. As a consequence, he recommended Durandus' work to his students.<sup>14</sup> As further testament to his forcefully convincing argumentation, if not also his strong-willed personality, in later years he came to be known as the Doctor Resolutissimus ("Most Resolute Doctor").

During the sixteenth century, several Spanish universities possessed theological chairs dedicated to the reading and systematic defense of Durandus' teachings.<sup>15</sup> The Augustinian theologian Juan de Guevara (d. 1600), who occupied the *Cátedra de Durando* at the University of Salamanca from 1560 to 1564, argued for instance that only twenty-six of Durandus' theses rather than the much larger number censured in 1314 and 1317 were actually in error.<sup>16</sup>

Regardless of the validity of Guevara's assertion, the presence of a *Cátedra de Durando* at Salamanca explains why later Spanish theologians, including Vitoria, Soto and Suárez, so often felt obliged to discuss Durandus' thought. These theologians, when citing Durandus, seem to refer exclusively to his *Sentences* commentary. It seems safe, moreover, to assume

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13 William Courtenay, *Schools and Scholars in Fourteenth-Century England* (Princeton, NJ 1987), 182.

14 Lowe, *The Contested Theological Authority*, 185, n. 138.

15 Paul Fournier, "Durand de Saint-Pourçain, théologien," in *Histoire littéraire de la France* 37 (Paris 1938), 1-38: 37; Melquiades Andrés, *La teología española en el siglo XVI*, vol. 1 (Madrid 1976), 29ff.

16 *Durandus de S. Porciano*, 208-10.

that they responded to the third and final redaction of this commentary. This, after all, is the version that saw multiple printings between 1508 and 1586.<sup>17</sup>

As Durandus' career makes clear, his early departure from Thomist doctrine is among the most noticeable features of his thought.<sup>18</sup> Recently, Elizabeth Lowe has argued that Durandus' opposition to Thomism was rooted in an "Augustinian tradition." The resulting clash between Durandus and Hervaeus Natalis, representing Augustinianism and Thomism respectively, contributed to the subsequent entrenchment of Thomism as the exclusive source of intellectual inspiration in the Dominican Order.<sup>19</sup> Isabel Iribarren has criticized this interpretation, claiming that Thomism "was [still] a rather protean concept among early fourteenth-century Dominicans." In other words, there existed, as of yet, no such thing as an intellectually homogeneous, pro-Thomist faction within the Dominican Order.<sup>20</sup>

Furthermore, William Courtenay has presented Durandus' departure from Thomist doctrine as trendsetting rather than as a more or less desperate last stand. By the early 1320's,

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17 Ibid., 5-6. Although early printed editions of thirteenth- and fourteenth-century scholastic works are occasionally rather inaccurate, I have nonetheless chosen to rely on one such text. More specifically, I will use the following edition: Durandus de St. Pourçain, *In Petri Lombardi sententias theologicas commentarium libri IIII*, 2 vols (Venice 1571; reprint Ridgewood, NJ 1964). The absence of a modern critical edition, the existence of multiple redactions (and thus, a confused manuscript tradition), accompanied by the added benefit of reading Durandus through sixteenth-century eyes, seem to make this – for now – the most sensible course of action. However, in an expanded study, I intend to compare the text of the printed edition with more accurate manuscriptural evidence.

18 The independent circulation of Durandus' second *Sentences* commentary caused certain fifteenth-century scholars to regard him mistakenly as an initially faithful but later "fallen" Thomist; see: Iribarren, *Durandus of St. Pourçain*, 3. This view is occasionally still present in modern literature. See e.g. Friedrich Wilhelm Bautz, "Durandus de Sancto Porciano," in *Biographisch-Bibliographisches Kirchenlexikon*, vol 1 (Hamm 1990), 1431 (URL = <[http://www.bbkl.de/d/durandes\\_s\\_p.shtml](http://www.bbkl.de/d/durandes_s_p.shtml)>).

19 See Lowe, *The Contested Theological Authority*, esp. 57; 129-34.

20 Iribarren, *Durandus of St. Pourçain*, 284, n. 9.

Aquinas' thought "had ceased to attract the better minds within the Dominican Order even at Paris."<sup>21</sup> Shifting interests had made some of the central tenets of Thomism simply irrelevant. Contrary to Lowe's thesis, the Dominican legislation of the preceding decades that mandated the study of Thomist doctrine may thus actually signal a decreasing adherence to the findings of the Doctor Angelicus, on the assumption that what is being forbidden is what is actually happening.<sup>22</sup> At any rate, such Oxford Dominicans as Robert Holcot (d. 1349) were hardly interested in either defending or following Aquinas.<sup>23</sup> According to Courtenay, not until the late fourteenth century would there be a re-emergence of "school consciousness."<sup>24</sup>

We may conclude that in disregarding Aquinas Durandus was far from being an exception among fourteenth-century theologians, or even, among his fellow Dominicans from the 1320's onward. Their departures from Aquinas' often more necessitarian teachings created opportunities for stressing divine freedom and, concomitantly, human incertitude. Although Durandus appears to have been more of an intellectualist than a voluntarist (ultimately, for him, it is the intellect that chooses between two contraries<sup>25</sup>), Leonard Kennedy has nonetheless portrayed him as the "earliest person known" to have echoed

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21 Courtenay, *Schools and Scholars*, 181.

22 Ibid., 181-82.

23 See e.g. Gelber, *It Could Have Been Otherwise*, 107.

24 Courtenay, *Schools and Scholars*, 178.

25 Durandus, *In Sententias*, 2, d. 24, q. 3, 171vb-172vb, esp. 172rb: "Si autem loquamur de de libertate tertio modo dicta quae sola dicitur libertas arbitrii, quae nihil aliud est quam facultas ad opposita absque necessaria determinatione ad alterum. Adhuc mihi videtur salvo meliori iudicio quod intellectus est per prius et principalius liber quam voluntas." Yet, cf. a slightly earlier passage: "Tunc ad quaestionem dicendum quod loquendo de libertate, quae est immunitas a coactione, sic dicendum est quod intellectus respectu actus sui eliciti, qui est intelligere, *est aequè liber* [my emphasis] sicut voluntas respectu actus sui, qui est velle."

Scotus' concern with divine absolute power.<sup>26</sup> Yet, according to Durandus, even God's actions *de potentia ordinata* do not always follow invariable paths of necessity.<sup>27</sup> As Leonard Kennedy has pointed out, Durandus held that God is neither bound to fulfill his promises on account of a resulting obligation toward his creatures nor on account of any self-imposed obligation toward himself.<sup>28</sup> Even if included in the Scriptures, a divine promise indicates no more than a mere disposition on God's behalf to act generously in accordance with said promise.<sup>29</sup>

Thus, the world, which is governed in all its aspects by an omnipotent and perfectly free God, is neither *de iure*, nor always *de facto*, being stabilized by divine promises or revelation. More particularly, despite the established rule that individuals dying in a state of grace are accepted into heaven, God is perfectly able to refuse such a person.<sup>30</sup> Likewise, God predestines human beings to eternal happiness or unhappiness only according to his

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26 Leonard A. Kennedy, "Durandus, Gregory of Rimini and Divine Absolute Power," *Recherches de théologie ancienne et médiévale* 61 (1994), 69-87: 87.

27 Contrary to what Kennedy (op. cit. n. 26) suggests, Durandus does not appear to have held that God's complete lack of obligation towards his creation is "inordinate." For instance, the quotation in n. 31, below, indicates that God's absence of obligation is an intrinsic part of the present state of affairs. More precisely, God is not "ordinately" obligated and sometimes "inordinately" unobligated, but instead, he is *never* obligated. In connection to another claim made by Kennedy (cf. n. 36, below) it should furthermore be noted that Durandus explicitly argues that this lack of obligation on behalf of God is not unjust, i.e. not in contradiction to divine goodness.

28 Kennedy, "Durandus, Gregory of Rimini," 72.

29 Durandus, *In Sententias*, 1, d. 27, q. 2, 178ra (cited in Kennedy, "Durandus, Gregory of Rimini," 72): "[...] promissio divina in scripturis sanctis non sonat in aliquem obligationem, sed insinuat meram dispositionem liberalitas divinae."

30 Kennedy, "Durandus, Gregory of Rimini," 73.

free and unrestrained pleasure. That this is neither unjust nor “inordinate” is because God never owes his creatures anything.<sup>31</sup>

In close conformity to this assertion, Durandus also argues that human beings are only able to earn some sort of condign merit as the result of God’s prior decision to infuse them with grace. This infusion has in turn, followed God’s uncoerced acceptance of any “natural” act (that is, any act performed without the assistance of grace) performed to please Him as being meritorious *de congruo*.<sup>32</sup> At least in theory, then, Durandus holds that a desire to please God is the only requirement for earning congruous merit, receiving the gift of grace and, ultimately, finding salvation.

In other words, non-Christians, as long as they have sufficient knowledge of God to engender an efficacious sense of obligation, could possibly be saved. Moreover, when acting *de potentia absoluta* God would not even need this very limited requirement to be met for an infidel *viator* to be saved, for if God so desired, he could give eternal life without first bestowing grace.<sup>33</sup> Thus, Durandus’ thought offers support for the notion that salvation outside of the (physical) Church is possible both ordinately and absolutely.

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31 Cf. *ibid.*, 76.

32 More accurately speaking, the condign merit that is earned by *viatores* in a state of grace is not condign as such, i.e. *simpliciter*, as it is wholly dependent upon the (undeserved) presence of freely given grace. See: Durandus, *In Sententias*, 1, d. 27, q. 2, 178ra: “Sed solum per gratiam est in nobis istud meritum de condigno, quod Deus ex sua ordinatione gratuita requirit in operibus nostris ad hoc ut remunerentur vita aeterna. Et hoc meritum est meritum inter meritum quod est simpliciter de congruo et ante gratiam, et meritum quod est simpliciter de condigno. Et ideo comparatum ad utrumque potest dici utrumque; quia comparatum ad meritum ante gratiam, potest dici de condigno. Et comparatum ad meritum de condigno simpliciter, potest dici de congruo.” See also *ibid.*, 1, d. 17, q. 2, 55va: “Aliud [meritum] est debitum de congruo, quando non debetur talis merces ex natura operis, sed redditur solum ex liberalitate dantis [...] Congruum enim est, ut bene utenti bonis naturae propter Deum det Deus bona gratiae.”

33 Kennedy, “Durandus, Gregory of Rimini,” 73.

But why would it ever make sense for God to require so little of his creatures? Regardless of his absolute abilities, we may assume that God would not save a non-Christian without good reason.<sup>34</sup> If membership in his Church, which would include instruction in revealed truths and Catholic ritual, is *de facto* open to everyone, then there would simply be no need for such apparent laxity. Yet, according to Durandus, the truth of the Christian faith has not been manifested to all. Even if it had been, wayfarers could not even be certain of the divine origin of the articles of faith, for such certitude has been restricted to the blessed in paradise.<sup>35</sup> Considering this state of uncertainty, it could hardly be expected that worthy *viatores* who have not been raised as Christians would automatically join the Catholic Church.

Moreover, as Lowe has pointed out, Durandus held that if a wayfarer is ignorant of one article of the faith, that means neither that such a person is ignorant of the entire faith nor that said individual has deliberately repudiated the faith. Accordingly, Durandus could treat the doctrine of an erring theologian with “a sense of tolerance, perhaps even permissiveness.”<sup>36</sup> Quite possibly, Durandus speculated that God would exhibit a similar flexibility with regards to well-meaning, but, from a Catholic perspective, mistaken *viatores*.

Additionally, even well-intentioned wayfarers may end up as the victims of diabolic deception. Satan is entirely capable, Durandus points out, of causing “sounds in the air,

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34 I remain unconvinced by Leonard Kennedy’s claim – which seems insufficiently supported by the available evidence (see n. 29, above) – that theologians such as Durandus maintained that any *actual* exercise of divine power would occur in separation from God’s wisdom and goodness. See: Kennedy, “Durandus, Gregory of Rimini,” 71-2. See also below, pp. 124-27, where I further critique Kennedy’s appreciation of the concept of divine absolute power.

35 Edward A. Synan, “Sensibility and Science in Mediaeval Theology: The Witness of Durandus of Saint-Pourçain and Denis the Carthusian,” in Reijo Työrinoja, Anja Inkeri Lehtinen and Dagfinn Føllesdal eds. *Knowledge and the Sciences in Medieval Philosophy. Proceedings of the Eight International Congress of Medieval Philosophy (SIEPM). Helsinki 24-29 August 1987*, vol. 3 (Helsinki 1990), 531-39: 535. See also: Durandus, *In Sententias*, prolog., q. 3, 6vb-8ra.

36 Lowe, *The Contested Theological Authority*, 117.

similar to significant words.”<sup>37</sup> Moreover, even if it could nonetheless be known with certitude that the speaker of these words was actually God, there would still be grounds for rationally doubting the truth of the message. As with any revelation, only faith could help the *viator* decide whether to believe it.<sup>38</sup>

Since, according to Durandus, the powers of reason fall short with regards to matters of faith, and because sensation, besides being potentially unreliable, is generally unsuited for knowing the supernatural, it is impossible for the *viator* to have objective knowledge of God.<sup>39</sup> What is left is either knowledge grounded in faith, or subjective knowledge based on a *personal* interpretation of impressions, suspicions and observations. Both forms of knowledge, contrary to *scientia*, are potentially false. Accordingly, there must be cases in which wayfarers suffer from invincible ignorance, for example on account of the absence of preachers or because of intellectual weakness.

This conclusion is further supported by Durandus’ treatment of the connection between ignorance and sin. He begins by arguing that ignorance of things that one is unable to know is not sinful.<sup>40</sup> Moreover, ignorance, so long as its absence would have prevented a *viator* from committing a particular transgression, may under certain circumstances nullify the wayfarer’s guilt. For if such “causative ignorance” is indeed invincible, the *viator* would not, as a matter of fact, be committing a sin. Durandus, however, qualifies this conclusion by stating that the ignorance in question would have to be invincible in itself as well as

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37 Synan, “Sensibility and Science,” 535. See also Durandus, *In Sententias*, 2, d. 7, q. 4, 146rb-va.

38 Synan, “Sensibility and Science,” 535.

39 On the perceived shortcomings of sense perception see also: Laemers, “Christina Mirabilis,” 19ff.

40 Durandus, *In Sententias*, 2, d. 22, q. 3, 167va: “Ignorantia eorum quae quis non tenetur scire, vel non potest, nullo modo est peccatum.”

invincible with regard to its cause. More precisely, sins committed in a drunken stupor are not to be excused, because drunkards know in advance that their drinking may cause ignorance. Such ignorance, regardless of the condition of the imbiber, is therefore not actually invincible.<sup>41</sup>

Does this mean that infidels must be held capable of avoiding their ignorance of the Christian faith? Durandus thinks not. Although adult *viatores* are required to carry out their explicit faith by their actions (*in actum*), that is, they must act upon their sense of obligation toward their creator, they are nevertheless not required to believe all the articles of the faith explicitly. Durandus appears to deem it sufficient for *ignorantes* to have explicit faith in a benevolent God, who is a remunerator of the faithful. Whether there is an obligation to believe “more fully and specifically” depends on “the times and social station.”<sup>42</sup>

Durandus distinguishes, for instance, in his own day and age three “grades” of believers: first and highest, the ecclesiastical hierarchy consisting of pope and bishops; second, the “middle ones;” and third, the “common people.” The ecclesiastical hierarchy are required to believe every article of the faith explicitly and must be ready to defend the entire

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41 Ibid., q. 4 167va-b: “Ignorantia potest se habere ad actum dupliciter: causaliter vel concomitative. Causaliter quando si non ignoraret non faceret. [...] Ignorantia autem causalis, aut est eorum quae non tenemur, aut non possumus scire, quae dicitur invincibilis; aut est eorum quae possumus scire, et tenemur, quae dicitur vincibilis. Prima omnino excusat si sit invincibilis secundum se et secundum causam suam, quod dico propter ebrium ex ebrietate peccantem cuius ignorantia invincibilis est secundum se, quia tunc non potest iudicare quid agendum sit vel non agendum, tamen non est invincibilis secundum causam suam, quia potuit se non inebriare, et ita non ignorare, et ideo omnino non est excusatus.”

42 Ibid., 3, d. 25, q. 1, 258rb-va: “Utrum necessarium sit ad salutem, et semper fuerit habere fidem explicitam. [...] Circa quaestionem istam videnda sunt duo. Primum est, quid vocatur implicitum et quid explicitum. Secundum est principale quaesitum. [...] dicendum est quod si quaestio intelligatur de implicito et explicito primo modo, sic adultis necessaria est ad salutem fides explicita et semper fuit: et haec est fides non solum habitualis, sed exiens in actum [...] Si autem loquamur de implicito et explicito secundo modo, sic dicendum quod nunquam sufficit adultis ad salutem fides implicita totaliter, sed semper oportuit quod quantum ad aliquod specialiter explicaretur, illud autem pro omni statu fuit et est: credere Deum esse remuneratorem bonorum credentium in ipsum. [...] De ampliori autem et specialiori explicatione articulorum differenter est dicendum secundum differentiam statuum et temporum.”



faith against heretical claims at a moment's notice. The "middle ones," namely the priests, preachers and doctors of the Church, have been assigned the task of instructing and enlightening the simple believers. To fulfill their duties effectively, they must believe explicitly in all that they teach. If confronted with wily heretics, however, they are advised to seek assistance from their more knowledgeable superiors. Finally, the common people have no other obligation than to believe what has been taught to them by their betters.<sup>43</sup>

Regarding the faith of the *simplices*, Durandus adds the following. "I am of the opinion," he explains, "that in these modern times no one may be excused for remaining ignorant of God's triune nature, Christ's Incarnation, Resurrection and Ascension, or the coming of the Last Judgment, because, *on account of public ecclesiastical ritual, the solemn celebration of feast days and vulgar preaching* [my emphasis], all these things have been made very well known."<sup>44</sup> Based on this statement, one can easily see how Durandus' argument might be useful for arguing the contrary, namely that in the absence of public ritual and proper preaching (as, for instance, in the yet-to-be-discovered Americas) *viatores* have a very limited obligation to believe. For instance, *ignorantes* who have been born and raised in some isolated wilderness are only required to "live well according to the natural law." To those who

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43 Ibid., 258va-vb: "[E]st triplex gradus, quia quidam sunt supremi, ut Papa et Episcopi, quidam medii, et quidam infimi, ut communis populus. Supremi scilicet Papa, Episcopi tenentur scire omnes articulos explicite, et non solum hoc, sed etiam qualiter contra haereticos defendantur (et paratis credere) declarantur et persuadeantur. [...] Medii autem sunt in ecclesia curati simplices et qui ex officio vel ministerio habent alios docere, ut praedicatores et doctores, et hi tenentur scire explicite quantum pertinet ad suum officium, hoc est articulos quantum ad substantiam eorum. In difficultatibus autem vel haereticorum impugnationibus debent recurrere ad superiores. Infimi autem (ut communis populus) non tenentur explicite credere vel scire nisi quantum eis traditum est ex maiorum doctrina et communi ritu ecclesiae qui neminem latet nisi ob culpam suam ab hoc impediatur."

44 Ibid., 258vb: "Puto autem quod pro moderno tempore nullus potest excusari si ignoret articulum trinitatis, incarnationis, resurrectionis, ascensionis, et adventus ad iudicium, cum ex publico ritu ecclesiae, et festivitatum celebri solemnizatione ut vulgata praedicatione omnibus haec innotescant."

succeed in so doing, God will reveal “what is necessary for salvation,” either directly, through an angel, or through sending a preacher.<sup>45</sup>

Although this *might* mean that God will reveal to worthy *ignorantes* his triune nature, Christ’s sacrifice and the coming of a Last Judgment – this is, in any case, how later theologians such as Antonio de Córdoba (d. 1578) and Francisco Suárez (d. 1617) understood Durandus’ argument<sup>46</sup> – that this interpretation accurately reflects the author’s conclusions nonetheless remains doubtful, for Durandus also maintains that ignorance of the articles of the faith, because these are “above and beyond reason,” may be “entirely excusable.”<sup>47</sup>

As we have already seen, Durandus holds that ignorance of things one ought to know is only excusable if the ignorance in question is invincible in itself, as well as invincible with regard to its cause.<sup>48</sup> In other words, if God were *invariably* to enlighten those infidel *viatores* who succeed in living according to the precepts of the natural law (which is within their abilities<sup>49</sup>) with the basics of Christian doctrine, then ignorance of these fundamental articles cannot be invincible with regard to its cause.

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45 Ibid.: “Cui autem nulla essent explicita, sicut nato et nutrito in deserto, tenetur (quod sufficeret ex parte eius) bene vivere secundum legem naturae, quo facto Deus subveniret ei in necessariis ad salutem revelando ea quae credere debet, vel per seipsum, vel per angelum, vel per praedicatorem missum.”

46 See below, chapter 6, pp. 244-45, n. 14 and chapter 8, p. 337, n. 34.

47 Durandus, *In Sententias*, 3, d. 25, q. 1, 258vb: [...] dicendum quod non est simile de praeceptis et articulis, quia praecepta sunt de iure naturali et nota in lumine naturali; et ideo nullus excusatur si per ignorantiam faciat contra ea, cum recta ratio naturalis dictet ea. Articuli autem sunt supra rationem, nec habentur nisi ex alterius revelatione seu doctrina, propter quod ignorantia eorum est in toto excusabilis [...].”

48 See n. 41, above.

49 See n. 47, above.

Accordingly, we are forced to conclude that Durandus implicitly subscribed to one of the two following conclusions. Either (1) God does not invariably illuminate invincibly ignorant wayfarers with regard to his triune nature, Christ's Incarnation and sacrifice, and the coming of the Last Judgment, or (2) invincible ignorance is somehow only possible of the more "advanced" articles of the faith, even in the case of *ignorantes* growing up in total solitude. Yet, Durandus explicitly points out that invincible ignorance of articles of the faith occurs precisely because they are "above reason," which, however, is assumed with regard to the entire faith. Hence, it appears to make more sense to accept the notion that God not always comprehensively illuminates worthy *ignorantes*.

Moreover, on the evidence of the arguments we have already explored, Durandus clearly holds that strictly speaking, God only requires *viatores* to believe explicitly in a benevolent supreme being who remunerates the faithful.<sup>50</sup> Durandus identifies no specific reasons why, if only in theory, this would no longer be the case; he does not, for instance, explicitly argue that following the (supposed) worldwide preaching of the Gospel, the "rules" regarding the necessity of explicit faith have changed accordingly. We may infer that, while speaking about the obligation to believe in "these modern times," Durandus was probably referring exclusively to those *viatores* living within or in close contact with the Christian world.

Although Durandus thus appears to claim that invincible ignorance could be had of virtually the entire Christian faith, this is not the case with regard to natural law. The latter's precepts, unlike the articles of the faith, can unfailingly be known through the "light of

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<sup>50</sup> See n. 42, above.

nature.” Accordingly, no one may be excused for not knowing them.<sup>51</sup> Neither is it, properly speaking, possible for God to give human beings dispensation from natural-law precepts, such as those belonging to the Decalogue. Like Aquinas before him and Vitoria and Suárez after, Durandus argues that God’s apparent dispensations merely change the circumstances of an act. The spoliation of the Egyptians, for example, was not a case of theft, but rather a divinely-ordered recompense for the labor which had been provided by God’s chosen people. Likewise, Hosea’s so-called “fornication” was actually licit intercourse on account of God’s decision to join him and the harlot temporarily as if in marriage.<sup>52</sup> Thus, the precepts of the natural law, Durandus suggests, are universally valid regardless of time, place, or other circumstances.

To summarize the most relevant aspects of Durandus’ thought, we should note, first of all, that the Doctor Resolutissimus openly disagreed with Aquinas, not least in the matter of divine omnipotence and freedom. According to Durandus, God’s freedom is particularly conspicuous in the process of human salvation. God is free to accept virtually any attempt to please him, regardless of how feeble or intrinsically worthless it may be, as meritorious *de congruo*. After having earned congruous merit through God’s boundless mercy, the *viator* can subsequently look forward to an infusion of grace, the earning of condign merit and, ultimately, the incomparable reward of eternal life.

What seems to be the extreme modesty of God’s initial expectations regarding appropriate human behavior results from Durandus’ assertion that the Christian faith is

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51 See n. 47, above.

52 See: John F. Dedek, “Intrinsically Evil Acts: The Emergence of a Doctrine,” *Recherches de théologie ancienne et médiévale* 50 (1983), 191-226. esp. 219-24. See also: Durandus, *In Sententias*, 1, d. 47, q. 4, 121rb-122va, esp. 122va. For the similar positions of Vitoria and Suárez, see below, chapter 6, pp. 267-68; chapter 8, pp. 333-34.

entirely “above reason.” As a consequence, *viatores* may very well suffer from invincible ignorance of correct doctrine. This is not to say, however, that all wayfarers have no obligation to adhere to the teachings of the Church; on the contrary, depending on their social station and occupation, specific individuals are obligated to believe more fully than others, while *ignorantes* who have been brought up in some isolated wilderness are, at least in theory, only required to have faith in a benevolent God who remunerates his faithful.

While Durandus thus allows for invincible ignorance of the faith, he is not so permissive when it comes to ignorance of natural law: neither invincible ignorance nor dispensation of its precepts is possible on his view. If we were to transpose Durandus’ thought directly to the sixteenth century, we would have to conclude that he would be willing to excuse the Indians’ unbelief but not their apparent violations of natural law. Yet such a conclusion is not unproblematic. Although (for reasons already explained) Durandus patently appears to argue that invincible ignorance of even the basic articles of the faith is possible, at least some sixteenth- and seventeenth-century interpreters have understood him as claiming the exact opposite. Unfortunately, we are not yet in a position to establish either how widespread the latter interpretation was nor, therefore, to determine which side of the debate was more forcefully supported by the contentions of the Most Resolute Doctor. Even so, we may conclude nonetheless that Durandus (and his readers) contributed to an intellectual climate in which God became, in theologians’ minds, ever more free to save and damn at will; and accordingly, one in which religious obligations increasingly came to be considered to be dependent upon the subjective condition of the *viator* instead of an objective and inflexible minimum.

### Robert Holcot

Robert Holcot was born, “apparently a commoner,” around 1290 and grew up in the village of Holcot, near Northampton.” He later joined the Dominican Order and lectured on Peter Lombard’s *Sentences* at his order’s *studium* in Oxford between 1331 and 1333. After obtaining his doctorate in theology, he served as the local regent master. Before returning to Northampton in 1343, Holcot was employed by Richard de Bury, bishop of Durham and a famed patron of learning. During these years, he may also have taught at Cambridge. Holcot died in 1349 from the plague, reputedly while ministering the sick.<sup>53</sup>

Although Holcot’s works, as evidenced by their multiple printings, continued to find audiences until at least the late sixteenth century, none of the Spanish theologians under consideration in subsequent chapters ever seems to quote or even mention him.<sup>54</sup> For three reasons, a discussion of his thought is nonetheless in order. First, regarding the connected issues of divine freedom and the unreliability of human knowledge, many historians have provided Holcot with a reputation as one of the more radical theologians of his age. Second, despite the apparent absence of direct influence, there are occasionally strong parallels between Holcot’s views and the conclusions arrived at by his sixteenth-century, Spanish colleagues. Third, although the literature on the concept of invincible ignorance is virtually

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53 For Holcot’s biography see Hester Goodenough Gelber, “Robert Holcot,” in Edward N. Zalta ed., *The Stanford Encyclopedia of Philosophy (Fall 2009 Edition)*, URL = <<http://plato.stanford.edu/archives/fall2009/entries/holcot/>>. For the chronology of Holcot’s career at Oxford, see especially Katherine H. Tachau, “Introduction,” in Robert Holcot, *Seeing the Future Clearly. Questions on future Contingents by Robert Holcot*, eds. Paul A. Streveler and Katherine H. Tachau (Toronto 1995), 1-56: 3-27.

54 For a brief overview of early printed editions of Holcot’s works, see: Leonard A. Kennedy, *The Philosophy of Robert Holcot, Fourteenth-Century Skeptic* (Lewiston, NY 1993), 3-4; Walter Senner, “Robert(us) Holcot OP,” in *Biographisch-Bibliographisches Kirchenlexikon*, vol. 17 (Herzberg 2000), 1151-55 (URL = <[http://www.bbkl.de/r/robert\\_holcot.shtml](http://www.bbkl.de/r/robert_holcot.shtml)>).

non-existent, the few times this notion is brought up in a somewhat systematic manner, it occurs in connection with a discussion of Holcot's thought.

In spite of his modern reputation as a radical skeptic, no major scandals are associated with Holcot's scholarly career. Departing from Aquinas' teachings had, in Holcot's day, become the norm even for Dominicans. Modern scholars, however, have not always sympathized with this development. Leonard Kennedy, for instance, maintains that the notion of divine absolute power, here understood as God's ability to act independently from his wisdom and goodness, was Holcot's "chief concern."<sup>55</sup> In the end, Kennedy considers this focus on God's *potentia absoluta* to have led to "sterile and unproductive debates" and to have made God into an "arbitrary tyrant."<sup>56</sup>

As pointed out earlier, Kennedy's assertion that some fourteenth-century theologians argued that God, employing his absolute power, is able to act directly *against* his own goodness is questionable.<sup>57</sup> True, Holcot like Durandus before him argues explicitly that God is by definition free from any obligation toward his creatures.<sup>58</sup> Hence, for God there is no injustice (or evil) in deceiving human beings, or in saving some and damning others, irrespective of merit. If in doing so God appears to act arbitrarily, we must fault our limited human perspective, rather than divine wisdom. Thus, to label Holcot's God an "arbitrary tyrant" is to misread his argument.

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55 Kennedy, *The Philosophy of Robert Holcot*, 5.

56 Ibid., 136. See id., "Philosophical Scepticism in England in the Mid-Fourteenth Century," *Vivarium* 21 (1983), 35-57: 56-7; also e.g. Johannes Beumer, "Zwang und Freiheit in der Glaubenzustimmung nach Robert Holcot," *Scholastik* 37 (1962), 514-29: 524.

57 See above, nn. 27, 34.

58 For Holcot's position, see e.g. Joseph M. Incandela, "Robert Holcot, O.P., on Prophecy, the Contingency of Revelation and the Freedom of God," *Medieval Philosophy and Theology* 4 (1994), 165-88: 172-73.

This is not to say that Holcot's "nominalist" image of God is intrinsically better than the older Thomist one. Perhaps it is even justifiable, especially from a pastoral viewpoint, to designate Holcot's and others' theology, which lacks both fixed obligations and fixed rewards, as "destructive;" yet, to do so would be entirely to ignore the philosophical difficulties of Christian dogma. Despite countless attempts, no universally convincing explanation has emerged reconciling perfect divine goodness and wisdom with perfect divine freedom. Taking into account the absence of any complete accord, while it is indeed not better to stress God's freedom over his wisdom and goodness, neither is it worse.

Historically, the theological conundrum was further complicated by external pressures. As we have seen in the previous chapter, the progressive incorporation of necessitarian pagan philosophy into medieval theology increasingly threatened the dogma of divine freedom. The subsequent reaction, most famously expressed in the Condemnation of 1277, steered contemporary theology further toward the pole of divine freedom and away from that of immutable wisdom. Moreover, already by the fourteenth century, more accurate knowledge had been gained regarding the world beyond the boundaries of Latin Christendom. As a result, the traditional notion that all infidels, including those living in far-off corners of the world, had deliberately and consciously rejected Catholic Christianity became increasingly subject to question. Holcot, for instance, argues that many individuals keep to their faith merely because they have been brought up to do so.<sup>59</sup>

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59 Robert Holcot, *In quator libros Sententiarum quaestiones* (Lyon 1518; reprint Frankfurt am Main 1967), 1, q. 1K (cited in Beumer, "Zwang und Freiheit," 518): "[...] multe dantur cause, quare homines diversimode se habent in assentiendo et credendo diversis propositionibus. [...] Puto autem quod modernis temporibus multi christiani ideo credunt, quia inter credentes educati articulos credendos a pueritia consueverunt audire, nominationem etiam dei et eius timorem ab infantia conceperunt, quia suos progenitores et alios veraces et honestos talia credere vident."



The observable and readily apparent fact that for many unbelievers it was all but impossible to convert to Christianity had somehow to be incorporated into a dogmatic worldview which assumed a boundless divine benevolence that rejoiced in the salvation of as many sinners as possible. Despite conflicting with well-established tradition, the notion that salvation outside of the physical Church was even now possible both saved appearances and preserved the revealed dogma of divine benevolence. Yet, for this solution to be just – other *viatores*, after all, were still obligated to join the earthly Church on pain of eternal damnation – God had to be conceptualized as possessing greater freedom and independence vis-à-vis his creation than ever before.

Hence, “modernizing” theologians such as Holcot (who went further than most) did not portray God as free and unrestrained because they desired to engage in “idle speculation,” but rather because such a God was simply more congruent with the world as they saw it. Not to have done so would have been a betrayal of their intellectual integrity. From a medieval perspective, after all, few things would have been as “idle” as theological speculation deliberately at variance with the observable world. Whether, from a fourteenth-century perspective, Holcot or the long-deceased Aquinas was likely to have been the more reliable observer, is for the reader to judge.

With these preliminaries out of the way, we may now turn to those aspects of Holcot’s thought particularly relevant to this study. As briefly mentioned before, Holcot portrayed God as wholly free and unobligated toward his creation, with the result that there is no injustice in divine deception, predestination regardless of actual merit, or even a divinely accomplished annihilation of the world.<sup>60</sup> More generally speaking, Holcot thought

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<sup>60</sup> Oberman, “*Facientibus*,” 328; Incandela, “Robert Holcot,” 173.

it absurd that God's goodness would compel him to act in any particular way toward his creatures, or that his perfect freedom could somehow limit his goodness.<sup>61</sup> Both divine goodness and divine freedom had to be complete and perfect; the only way Holcot was able to preserve these traits together was by denying any *formal* obligation between God and those things outside of himself.

One rather threatening consequence of this solution was that God could lie and deceive. Holcot, moreover, found sufficient scriptural evidence to argue that God had indeed done so.<sup>62</sup> Not only had God deceived indirectly through external agents, but at least two persons of the Trinity had done likewise *in propria persona*: Christ himself desired to be born of a virgin in order to deceive the devil and Rebecca and Jacob deceived Isaac “through the intimate counsel of the Holy Spirit.”<sup>63</sup> As if this did not pose problems enough for human certitude regarding God's intentions, Holcot also believed that any revelation about the future remains contingent, i.e., uncertain in a strict scientific sense even to God himself, until the moment the predicted event comes to pass.<sup>64</sup> It is therefore possible, for instance, that there will be no resurrection of the dead and, as a consequence, that statements in the

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61 Incandela, “Robert Holcot,” 173.

62 Tachau, “Robert Holcot on Contingency,” 182.

63 Robert Holcot, *In Sententias* 2, q. 2, a. 8, in id., *Seeing the Future Clearly*, 157 (cited in Tachau, “Robert Holcot on Contingency,” 182): “[...] Christus voluit nasci de virgine ut deciperet diabolum, eius nativitatem celando secundum sanctos. Similiter, Rebecca et Iacob de familiari consilio Spiritus Sancti deceperunt Isaac, Genesis xxvii.”

64 Tachau, “Robert Holcot on Contingency,” 192-94.

Bible are actually false.<sup>65</sup> Even worse, the possibility cannot be excluded, Holcot contends, that the entire faith is false and wholly the result of divine deception.<sup>66</sup>

As both Katherine Tachau and Hester Gelber have noted, the weak and fallible *viator* has no defense whatsoever against being deceived by an omnipotent being. Hence, the unavoidable consequence of such deception is to suffer invincible ignorance.<sup>67</sup> Yet, although God is able to deceive, he cannot do so, Holcot claims, “unjustly or viciously.”<sup>68</sup> If, for example, God should permit the devil to transform himself into an effigy of Christ so that some individual, being invincibly ignorant of the true state of affairs, shows that image what would normally be proper reverence, the *viator* in question, while actually sinning, would nonetheless gain merit.<sup>69</sup>

More generally speaking, Holcot believed that invincibly ignorant *viatores* may gain merit through false or mistaken faith. Merit, after all, is gained by believing as commanded either directly by God or by the ecclesiastical hierarchy. Holcot deems it not particularly relevant whether what is believed is actually true.<sup>70</sup> Considering this state of affairs, the

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65 Incandela, “Robert Holcot,” 174-75.

66 Holcot, *In Sententias*, 2, q. 2, 134 (cited in Incandela, “Robert Holcot,” 176): “Et Christus potuit dixisse falsum cum omnibus quae praedicavit suadendo gaudium aliquod aeternum vel poenam aeternum. Et possibile est omnes crediderunt in eum fuisse deceptos, et totam fidem esse falsam, et Deum fefelisse homines quos docuit.”

67 Tachau, “Robert Holcot on Contingency,” 182ff; id., “Logic’s God,” 251ff; Gelber, *It Could Have Been Otherwise*, 293ff.

68 Holcot, *In Sententias*, 3, q. 1, a. 8 (cited in Tachau, “Robert Holcot on Contingency,” 188): “[...] dixi quod Deus potest fallere et decipere, licet non possit iniuste vel viciose vel deordinate fallere.”

69 Tachau, “Robert Holcot on Contingency,” 183; id., “Logic’s God,” 252; Gelber, *It Could Have Been Otherwise*, 295.

70 Holcot, *In Sententias*, 1, q. 1R (cited in Incandela, “Robert Holcot,” 183, n. 46): “Homo enim volendo credere certam propositionem quo precipitur esse credenda, et est falsa, potest mereri. Nec pertinet ad meritum

contingency of revelation and the potential falsity of the faith lose their threatening implications.<sup>71</sup> As long as wayfarers do as commanded, God will recognize and reward their actions. Moreover, God is willing to meet *viatores* halfway. If the latter “do what is within them,” God can be counted on to reveal any additional knowledge required for salvation.<sup>72</sup>

Although Holcot famously claims that human wayfarers may have, strictly speaking, no scientific knowledge of God, they can still enjoy certitude on account of their faith.<sup>73</sup> This latter kind of certitude, however, does not depend on reason, but rather on a trust in God’s fundamental goodness.<sup>74</sup> It is precisely on account of his benevolent goodness, after all, that God is willing to meet *viatores* halfway and, when he chooses, to enlighten them with additional knowledge. As a result, simply by doing one’s best, one avoids being blamed for knowing too little. Well-intentioned *viatores* are likewise protected from “knowing” anything detrimental to their chances of finding salvation.

Thus, while Holcot denies any possibility of scientific certitude regarding the objective, supernatural reality, he offsets this loss by introducing certitude regarding the sufficiency of one’s subjective knowledge. Although the latter kind of certitude can only be had when also being certain of doing one’s utmost, this is not a major objection to Holcot’s

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fidei utrum sit vera an falsa [...] [punctuation mine]. See also: Incandela, “Robert Holcot,” 184, n. 49; Beumer, “Zwang und Freiheit,” 515, 519-20.

71 Incandela, “Robert Holcot,” 183.

72 Oberman, “*Facientibus*,” 322-23.

73 For Holcot’s position on the *viator*’s inability to find “scientific” confirmation of the faith, see e.g. Beumer, “Zwang und Freiheit,” 515; Oberman, “*Facientibus*,” 317, 319; Fritz Hoffmann, “Robert Holcot – philosophische Implikationen seiner Theologie,” in Jan A. Aertsen and Andreas Speer eds, *Was ist Philosophie im Mittelalter? Qu’est-ce que la philosophie au Moyen Age? What is Philosophy in the Middle Ages? Akten des X. Internationalen Kongresses für mittelalterliche Philosophie der Société Internationale pour l’Etude de la Philosophie Médiévale*, 25. bis 30. August 1997 in Erfurt (Berlin and New York 1998), 637-641: 637.

74 Oberman, “*Facientibus*,” 329; Incandela, “Robert Holcot,” 176-77.

argument. After all, scientific certitude of the faith as such will not do the *viator* much good if not put in practice. More specifically, the goal, according to both scenarios, is to believe *in order to be saved*. Even when it is assumed that salvation requires true belief, such “truth” is merely a means and not the goal itself.

In other words, while Holcot – exactly like his more traditional predecessors – deems it crucial to preserve certitude concerning the efficaciousness, as well as the utility, of the faith, he was willing to abandon such claims with regard to its contents. Yet, as long as the faith does not need to be correct in order to be efficacious, false or incomplete belief need not be problematic for the wayfarer. Moreover, the general principle that it is important to believe is in no way threatened by the possibility that those who fail to do what is within them possess a faith that is not efficacious. Even wholly orthodox faith could remain barren under such conditions.

Holcot therefore fully agrees with the well-established Catholic doctrine that having faith and doing one’s utmost are both necessary for salvation. Yet, he differed from more traditional teachings by maintaining that faith, even if false, could nonetheless be efficacious. From a practical perspective, however, there was little difference. In both cases, *viatores* could be certain of their faith (albeit for different reasons), while persisting in doubt as to whether their “best” efforts were indeed sufficient to make their faith productive.

Despite initial appearances to the contrary, Holcot was hardly a propagator of fideism, i.e., the doctrine that faith and reason are wholly divorced and that the believer must accept “blindly” what revelation teaches. Once more, appreciating Holcot’s use of the notion of “doing what is within oneself” helps us understand Holcot’s position. Wayfarers, he finds,

must do their utmost to learn of theological truths.<sup>75</sup> Although it is true that *viatores* may not attain “scientific” certitude regarding their conclusions, it is important that they try nonetheless. Despite providing less certitude than proper *scientia*, “true estimation” or “true suspicion” (*aestimatio vera vel suspicio vera*), are still worthwhile forms of knowledge.<sup>76</sup>

Such a stance is reminiscent of Scotus’ stress on practical wisdom, or prudence. While unable to provide absolute certitude, such wisdom may nonetheless reveal important aspects of the present moral order.<sup>77</sup> Holcot, moreover, argues that those who have provided sufficient effort to learn of supernatural truths are subsequently assisted, if need be, with divine illumination. The pagan philosopher Hermes Trismegistos, for example, was given knowledge of God, Holcot contends, because he carefully distinguished and followed the principles of natural law. This particular road to enlightenment Holcot considered open to all.<sup>78</sup>

This element of Holcot’s teachings introduces yet another potential cause for invincible ignorance in addition to divine deception. If wayfarers must rely on their “estimation” or “suspicion” instead of scientific reason, it is virtually unavoidable that at some point false conclusions will be drawn. Although God will illuminate worthy individuals regarding everything necessary for salvation, the efficaciousness of false faith means that such enlightenment may be less than comprehensive.

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75 Gelber, *It Could Have Been Otherwise*, 302.

76 Incandela, “Robert Holcot,” 177-78.

77 See below, chapter 2, pp. 96-97.

78 Oberman, “*Facientibus*,” 317-18, 321-22, esp. n. 25. See, too, Incandela, “Robert Holcot,” 185-86.

These conclusions significantly affected Holcot's views on infidels and religious heterodoxy. Ignorance of the faith, for instance, is not unfailingly to be considered sinful. For instance, those who have never heard Christian preachers may remain licitly ignorant of "God and all the articles of the faith." Holcot contends that if such *ignorantes* could somehow overcome original sin, as, for instance, by having unknowingly been baptized as infants, they could even be saved without having any faith themselves.<sup>79</sup> Although the scenario is far-fetched, the important point is that faith is only a general, rather than a necessary precondition for salvation. Indeed, salvation is effected through divine grace alone. Grace, after all, *always* precedes faith. For without grace, Holcot finds, human beings remain incapable of belief.<sup>80</sup>

If salvation is found through grace alone, and grace is a free gift of God – i.e., God is never obligated to either give *or* deny it – it follows that salvation outside of the Church must be possible. Holcot concedes as much: those who do what is within them, even if belonging to some infidel "sect," will somehow, he believes, be saved.<sup>81</sup>

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79 Robert Holcot, *De imputabilitate peccati* (Lyons 1518; reprint Frankfurt am Main 1967), 4BB (cited in Beumer, "Zwang und Freiheit," 521-22): "Ad aliud cum dicitur, quod ex conclusione sequitur, quod aliquis posset ignorare deum et omnes articulos fidei absque peccato mortali, concedo hoc. Cum enim fides sit ex auditu, si nunquam aliquis audisset aliquem docentem articulos fidei, tunc ignorantia illorum non foret imputabilis ad culpam. Ponatur ergo quod aliquis infans fuerit baptizatus; et tunc fuisset in aliquo loco, ubi nihil audierat de fide christiana usque ad eius senectutem. Tunc concedo quod ignorantia articolorum non foret sibi culpa; et dato quod adultus decederet sine peccato mortali aliunde contracto, quod est satis imaginabile; dico quod salvaretur non obstante ignorantia fidei; et tunc cum infertur, quod aliquis adultus posset salvari absque fide Christi, nego consequentiam, quia sine fide Christi baptizari non posset."

80 Beumer, "Zwang und Freiheit," 515.

81 Holcot, *In Sententias*, 1, q. 1K (cited in Beumer, "Zwang und Freiheit," 518): "[...] quidam ducti sunt ad fidem per orationes sanctorum. Similiter aliqui solliciti de salute consequenda volunt et desiderant scire que sunt media et ad salutem necessaria; et cum intellexerint, quod credere sit necessarium ad salutem, tunc desiderant credere et volunt credere et habent animum promptum ad faciendum quicquid est necessarium ad salutem et, quicumque fuerint tales in quacumque secta, credo eos per divinam aliquo modo salvandos."

As this particular opinion illustrates, Holcot deemed “having faith” to be much more than a mere belief in God’s existence. Faith, in Holcot’s case, is perhaps best described as a deep-seated conviction that God will not let down the *viator*. But how are we to reconcile this notion with God’s unrestrained freedom and total lack of obligation toward his creatures? The answer to that question is found in the distinction between what God *could* do and what God (if only generally) *would* do.<sup>82</sup>

According to Heiko Oberman, Holcot’s trust in the benevolence of God’s *de facto* actions was so great that certain aspects of his theology are to be characterized as Pelagian. For if *viatores* would do what is within themselves, i.e., what they are humanly capable of, God will not deny his grace. Consequently, human beings are able to “earn” grace, without requiring prior divine assistance. Holcot avoids falling into error, however, by treating God’s self-imposed commitment to provide grace as a *formally* unbinding *obligatio benevolentiae*, rather than an *obligatio iuris*.<sup>83</sup> Briefly put, although God *could* deny grace to individuals doing their utmost – or to anyone, for that matter – he *would* not actually do so. While this means that human beings must lack formal, “scientific” certitude regarding the conditions for salvation, they may nonetheless comfortably trust in the divine benevolence.

This is not to say that there were no limits to the *benevolentia Dei*. When asked to decide the quodlibetal question “whether it is just and meritorious for any Christian to kill by force and by arms any infidel such as a pagan,” Holcot, despite some important reservations, answered on the whole affirmatively.<sup>84</sup> Several historians writing on the relations between

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82 Naturally, this distinction became increasingly relevant the more stress theologians put on divine freedom.

83 Oberman, “*Facientibus*,” 326-28; id, *Harvest of Medieval Theology*, 244-46.

84 Robert Holcot, *Super Sapientiam Salomomis, lectio LXVI*, in Kurt Villads Jensen, “Robert Holcot’s *Questio* on Killing Infidels: A Reevaluation and an Edition,” *Archivum fratrum praedicatorum* 63 (1993), 207-228: 221: “Utrum



medieval Muslims and Christians have used Holcot's *quaestio* to exemplify the intolerance of Christians for their Islamic neighbors.<sup>85</sup> Yet, as Kurt Villads Jensen recently remarked, Holcot's other writings can hardly be classified as "intolerant." The aforementioned question, moreover, is said to deserve reinterpretation.<sup>86</sup> Among the reasons for undertaking this effort, Jensen mentions Holcot's particular refutation of the arguments *contra*, the lack of learning among his intended audience, and his distinction among different kinds of infidels.<sup>87</sup> As we shall see, it is the last argument that carries the most weight.

First, however, we should note that sixteenth-century defenders of the American Indians such as Bartolomé de Las Casas and Francisco de Vitoria did not argue that infidels should *never* be killed. Rather, they maintained that *certain* infidels ought not be killed or enslaved on account of their refusal to adopt Christianity. Las Casas and Vitoria believed that whether war or peaceful preaching was the most suitable response to religious heterodoxy depended entirely on specific circumstances.<sup>88</sup> It is therefore hardly surprising and not a reliable sign of greater intolerance for Holcot to have advocated the killing of *some* kinds of infidels.

Holcot distinguishes among infidels in several significant ways: first of all, between those who are allies of and subject to Christian rule and, on the other hand, those who are in rebellion against the Church, who persecute Christians, and who insult Christian doctrine. In

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licitum sit et meritorium alicui christiano aliquem infidelem sicut paganum invadendo per vim et arma occidere."

85 See e.g. the literature mentioned in Jensen, "Robert Holcot's *Questio* on Killing Infidels," 209-10.

86 Ibid., 210.

87 Ibid., 213-14

88 See chapters 5-6, below.

contrast to the latter, properly subjugated unbelievers, Holcot notes, are to be ruled peacefully and are deserving of protection.<sup>89</sup> This is especially the case when such infidels, having agreed to live “without giving affront to their Creator,” have been promised the protection of Christian lordship and the benefits of religious instruction. When there is hope that these infidel subjects will voluntarily convert, there was even less justification for killing them.<sup>90</sup>

Among the second kind of “rebellious” infidels, Holcot counts heretics, Muslims and Jews. Heretics, since they are apostates, may simply be compelled to believe. Muslims, or “Saracens,” are described as those “who do not admit preachers of the faith.” It is even part of their law to kill whoever preaches against Islam, Holcot remarks. Consequently, there is not much hope of their conversion, for the preaching of Christianity could not occur, “unless through the destruction and undoing of the Mohammedan law.” Rather than external circumstances, it is the Muslims themselves, Holcot notes, who stand in the way of their salvation.<sup>91</sup>

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89 Holcot, *Super Sapientiam Salomomis, lectio LXVI*, 223: “Ad questionem dicendum est quod sic. Tamen inter infideles distinctio est. Sunt enim aliqui infideles subiecti ecclesie et confederati fidelibus sicut serui dominis suis, ut ab eis regantur et protegantur; alii sunt infideles et rebelles ecclesie, persecutores christianorum et insultantes doctrine christiane. [...] Loquendo ergo de infidelibus alligatis christianis per aliquam licitam confederacionem, ut a christianis permittantur et protegantur, si tamen aliqui sunt tales, non est licitum nec meritorium tales invadere vi et armis, cum sit contra fedus initum et pacem eis concessam.”

90 Ibid.: “A multo fortiori, si aliqui fideles licite promiserunt paganis tuicionem et dominium, qui volunt convivere sine contumelia creatoris, et maxime si sint in spe de conuersione eorum, non licet eis nec aliis tales interficere.”

91 Ibid.: “[...] infidelium varie sunt secte. [...] Sunt enim quidam gentiles siue pagani, qui nullam legem habent nisi forte legem nature, sunt etiam iudei, sunt sarraceni, sunt ydolatre, sunt heretici. Isti autem ad fidem Christi diversimode se habent, nam heretici compelli debent ad fidem, quam susceperunt. Sarraceni sunt tales, <qui> predicatorum fidei non admittunt, immo in lege eorum cautum est, quod quicumque predicauerit contra legem Machometi occidatur. Et ideo de eis non est spes magna conversionis ad fidem, cum ‘fides sit ex auditu, auditus autem per verbum Christi’ Ro 10[17]. Non enim est possibile docere fidem Christi nisi destruendo et reprobando legem Machometi; unde isti prebent sibiipsis obstaculum salutis.”

This is the precise reason, Holcot suggests, that it is both licit and meritorious, to kill “rebellious” infidels. While the causes of unbelief among ignorant pagans, “who have no law but perhaps the law of nature,” could potentially be removed by Christian rule and education, an operation with similar goals in the Islamic world would unavoidably entail the “removal” of the Muslims themselves. Although Holcot considers the Jews equally “rebellious,” they are not to be killed, he warns, primarily on account of several biblical prophecies foretelling their eventual conversion.<sup>92</sup> The killing of infidels, after all, may only occur to help the survivors (if any) become good Christians.<sup>93</sup>

In short, while Holcot was certainly not welcoming of religious differences, he recognized that the cause of infidelity could be external to the *viator*, or, in the specific case of the Jews, be subject to eventual divine remedy. Only under these very limited circumstances did Holcot consider infidelity acceptable for the time being. In this sense, Holcot’s *tolerantia* was hardly different from the (equally restricted) religious permissiveness of his sixteenth-century fellow Dominicans Las Casas and Vitoria. Despite its rather limited scope, it was nonetheless a great step forward compared to the theological consensus of the previous century.

Summarizing the preceding paragraphs, we may conclude that Holcot’s God, while remaining utterly unobligated toward his creatures, was so merciful that almost any feeble

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92 Ibid., 223-24: “Secundo de aliis infidelibus, rebellibus ecclesie et persecutoribus fidei christiane, cuiuscumque fuerint conditionis licitum est christiano preveniente autoritate ecclesie vi et armis invadere eos, spoliare et interficere et eorum bona fidelibus applicare, exceptis dumtaxat iudeis, de quibus estimo, quod dato, quod ecclesia posset eos occidere, non esset tunc licitum, quia ecclesia permittit eos vivere, precipue quia cum introierit plenitudo gentium, relique eorum convertentur ad fidem, sicut dicit apostolus Ro 11[:25-26] predicante Enoch et Helia secundum glossam, et Isaie 10: ‘Reliquie Israel salve fient’ [Rom 9:27; Is 10:22]. Unde de eorum conversione spes est propter prophetiam, et ideo non debent omnino deleri.”

93 Cf. Ibid., 225: “Eodem modo qui infideles expugnant, non debent eorum mortem per se et principaliter et directe intendere, sed per accidens secundario et indirecte, quia principaliter debent velle eorum conversionem ad fidem et secundario eorum mortem, si velint in malicia perseverare, et sic se conformabunt divine voluntati.”

human effort could, and often would, be accepted as worthy of merit. Only a very minimal knowledge of the faith was always and invariably required for salvation. At the very least, it seems, *viatores* are held to love God above all things, not for their own sake, but for his alone.<sup>94</sup> If this desire accurately reflects a wayfarer's true intentions, even faith that is otherwise false or heretical could be meritorious.

According to Holcot, this principle protected the *viator* from the continuing contingency of revelation, as well as the adverse effects of divine deception. God, however, could not only deceive human beings in matters of faith, but also regarding the precepts of the natural law. He falsely convinced Abraham, for instance, that it was good and fitting to kill his innocent son Isaac.<sup>95</sup> Although following the commandments of the natural law normally offered *viatores* a way to earn their initial *meritum de congruo*, such merit could also be acquired – if God for some reason should command it – by violating the law of nature.

In the sixteenth century, Holcot's fellow Dominicans Vitoria and Las Casas would argue that “incomplete” faith could be meritorious. The boundaries between “false” and “incomplete” faith, however, are not always clear-cut. Las Casas, for instance, at one point argues that the faith of the American natives was so rudimentary that they required idols as a means through which to worship the one true God.<sup>96</sup> In this manner, idolatry is suddenly being depicted as deserving of merit! Although it has not yet been possible to establish a

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94 Cf. Holcot, *In Sententias*, 1, q. 4Dff.

95 Ibid., 3, q. 1ZZ: “[...] an videlicet Abraam credidit absolute quod debuit immolare filium suum in rei veritate. [...] Mihi autem videtur quod series historie satis pretendit quod absolute credidit quod debuit imolasse filium suum.”

96 See below, chapter 5, p. 228, n. 94.

direct connection between Holcot and his later Spanish colleagues, the parallel is striking and perhaps not quite accidental.<sup>97</sup>

Holcot's own views regarding infidelity may be summarized by his assertion that all obstacles preventing the conversion and salvation of non-believers are to be removed. Yet, whether this is to occur through war and conquest or peaceful education depends on the underlying cause – whether ignorance or malicious stubbornness – of the unbelief in question. While any deliberate and definitive rejection of Christianity is to be answered by a papally-endorsed crusade, ignorance is more properly remedied by preaching and instruction.

In sum, Holcot's views may be used to argue the following two points. First, non-Christians are not always immoral and unable to find salvation. Second, depending on the specific circumstances, violence may not be the proper answer to widespread unbelief. Eventually these very same ideas would reappear, albeit much more conspicuously, in theological treatises dealing with the contemporary Spanish conquest of the Americas.

#### Gregory of Rimini

Gregory of Rimini was born in his namesake city around 1300. He joined the mendicant order of the Hermits of Saint Augustine and received his basic education before commencing his theological studies at the University of Paris in 1322 or 1323. Rimini subsequently returned to Italy where he taught theology at various Augustinian *studia* until ca. 1340. During the time of his studies and teaching, he came into contact with the thought

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97 William Wallace has shown that Vitoria's student, Domingo de Soto, knew the mathematical and physical findings of the so-called Oxford *calculatores*, such as Walter Burley (ca. 1275-1344/5) and Thomas Bradwardine (ca. 1290-1349). Both Burley and Bradwardine were theologians. Bradwardine, especially, may have pointed his readers to Holcot's theological ideas, which were conveniently in print during most of the sixteenth century. See: William A. Wallace, "Duhem and Koyré on Domingo de Soto," in id., *Domingo de Soto and the Early Galileo: Essays on Intellectual History* (Aldershot, etc. 2004), V, pp. 249, 251.

of various Oxford scholars from the 1320's and 1330's. In the early 1340's Rimini returned to Paris, where he lectured on the *Sentences* in 1343-44, probably, becoming master of theology in 1345. Following various other appointments, Rimini was elected prior general of his order in 1357. He died in late 1358.<sup>98</sup>

Rimini is generally credited with bringing the fashionable "English logic," of which Holcot was one representative, to Paris. Eventually, he would largely replace Giles of Rome (d. 1316) as the "voice" of the Austin friars.<sup>99</sup> Due to the inadequacy of modern labels, Rimini's thought has proved resistant to neat classification. He has been portrayed both as a prominent standard-bearer of nominalism and as a standard-bearer *against* nominalism.<sup>100</sup> Heiko Oberman depicts Rimini as representing the more conservative "right-wing school of nominalism," in contrast to those like Holcot who supposedly belonged to nominalism's "left wing."<sup>101</sup> And while Isabelle Mandrella points out that Rimini felt threatened by "der [...] drohenden Gefahr eines omnipotenten Willkürgottes," Leonard Kennedy all but ranks the Doctor Authenticus among the "devotees of divine absolute power."<sup>102</sup>

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98 For Rimini's biography see e.g. Christopher Schabel, "Gregory of Rimini," in Edward N. Zalta ed., *The Stanford Encyclopedia of Philosophy (Summer 2010 Edition)*, URL = <<http://plato.stanford.edu/archives/sum2010/entries/gregory-rimini/>>. For his years at Paris see more specifically Venício Marcolino, "Der Augustinertheologe an der Universität Paris," in Heiko A. Oberman, *Gregor von Rimini. Werk und Wirkung bis zur Reformation* (Berlin and New York 1981), 127-94.

99 Heiko A. Oberman, "Headwaters of the Reformation: *Initia Lutheri – Initia Reformationis*." in id., *The Dawn of the Reformation. Essays in Late Medieval and Early Reformation Thought* (Edinburgh 1986), 39-83: 68; Courtenay, *Schools and Scholars*, 313.

100 William Courtenay, "John of Mirecourt and Gregory of Rimini on Whether God Can Undo the Past," *Recherches de théologie ancienne et médiévale* 39 (1972), 224-56; 40 (1973), 147-74: 154.

101 Oberman, "Some Notes on the Theology of Nominalism," 54-55.

102 Isabelle Mandrella, "Die Autarkie des mittelalterlichen Naturrechts als Vernunftrecht: Gregor von Rimini und das 'etiamsi Deus non daretur'-Argument," in Jan A. Aertsen and Martin Pickavé eds., *Herbst des Mittelalters? Fragen zur Bewertung des 14. und 15. Jahrhunderts* (Berlin 2004), 265-76: 267; Kennedy, "Durandus, Gregory of Rimini," 86-87.

Although Rimini famously held that God was able to undo the past, some crucial aspects of his thought appear as a virtual throwback to a previous era.<sup>103</sup> That is why a discussion of Rimini's ideas is included here. Significantly, the Doctor Authenticus defends two specific claims fundamentally in opposition to the notion that the standards for judging a wayfarer's morality may be subjective and dependent on situation, rather than objective and universal. Vitoria later chose to explicitly address and reject Rimini's findings.<sup>104</sup>

By outlining the objections of the Doctor Authenticus to the possibility of a morality that is even partially subjective, we are once more reminded of the larger argument of this study: that between the thirteenth and seventeenth centuries, "right" came increasingly to be seen as something that ought to be defined subjectively and in relation to actual circumstances in the physical realm, as opposed to objectively and in accordance with an immutable metaphysical standard. Moreover, although the sixteenth- and seventeenth-century defenders of the American Indians expanded on *certain* intellectual foundations laid during preceding centuries, contrary arguments were also available. The eventual victory of the more moderate viewpoint was in no way predetermined. It is a sobering notion that the great suffering of the American natives could easily have been greater still.

To address the aforementioned aspects of Rimini's thought, an investigation of his doctrine of salvation is required. Durandus and Holcot had both argued that regardless of his "normal" response, God is never formally obligated either to save or damn a human being. Rimini took this principle even further. According to the latter, salvation is based on God's mercy alone. Divine foreknowledge of the good use of the wayfarer's free will plays

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103 Regarding God's ability to change the past, see Courtenay, "John of Mirecourt and Gregory of Rimini," esp. 40 (1973): 160.

104 See below, chapter 6, pp. 285-88.

no role whatsoever. Indeed, God's decision to provide grace is both temporally *and* logically prior to any good works the *viator* might perform.<sup>105</sup>

Yet, God not only predestines certain individuals for salvation, he also actively wills others to be damned. Rimini, apparently inspired by the English scholar Thomas Bradwardine (d. 1349), thus advocates a doctrine of double predestination.<sup>106</sup> The Doctor Authenticus came to this conclusion in response to certain "Pelagian" tendencies in Franciscan theology.<sup>107</sup> More specifically, the Franciscan scholar Peter Auriol (d. 1322) had challenged the thirteenth-century scholastic consensus by replacing the doctrine of single-particular election (SPE) with the alternative of general election (GE).<sup>108</sup>

Briefly put, SPE means that God actively wills to save particular individuals, who therefore receive grace. Those who are not predestined for salvation do not receive grace, whence they remain in sin and justly merit damnation.<sup>109</sup> Auriol, however, saw SPE as too deterministic and instead advocated for the doctrine of GE. According to this teaching, God offers grace to all. Depending on the wayfarer's response to this offer, either salvation or damnation follows. Holcot, we may now conclude, also adopted a form of GE.<sup>110</sup>

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105 See e.g. Frank A. James, "A Late Medieval Parallel in Reformation Thought: Gemina praedestinatio in Gregory of Rimini and Peter Martyr Vermigli," in Heiko A. Oberman and id. eds., *Via Augustini. Augustine in the Later Middle Ages, Renaissance and Reformation. Essays in Honor of Damasus Trapp O.S.A.* (Leiden, etc. 1991), 157-88: 165-66; James Halverson, "Franciscan Theology and Predestinarian Pluralism in Late-Medieval Thought," *Speculum* 70 (1995), 1-26, 21-22. Cf. Kennedy, "Durandus, Gregory of Rimini," 83.

106 Halverson, "Franciscan Theology," 23. For Bradwardine's influence see Courtenay, *Schools and Scholars*, 322-23.

107 For a discussion of these perceived tendencies, see Klaus Bannach, "Pelagianismus in der franziskanischen Schöpfungstheologie?" *Freiburger Zeitschrift für Philosophie und Theologie* 49 (2002), 73-93.

108 Halverson, "Franciscan Theology," 2. See also, James, "A Late Medieval Parallel," 164-65.

109 Halverson, "Franciscan Theology," 1.

110 *Ibid.*, 2; 26, n. 73.



Rimini, while tacitly accepting some of Auriol's criticisms of SPE, nonetheless believed that GE left *viatores* too much power to determine their eventual reward or punishment – and therefore God too little. As a result, Rimini amended SPE into a doctrine of double-particular election (DPE), according to which God actively desires the fates of both the predestined and the reprobate.<sup>111</sup> Thus, already by the fourteenth century the seeds had been sown from which Luther's theology of predestination would sprout.<sup>112</sup>

Both GE and DPE, to a larger extent than SPE, rely on God's unrestrained freedom. While according to the doctrine of GE God offers grace *irrespective of foreseen merit*, DPE requires that God deny grace *also* irrespective of foreseen merit. It is easy to imagine that a theologian's preference for either GE or DPE reflected in some way the amiability (or lack thereof) of that scholar's personality. Although such crude estimations are hardly universally reliable, it would be rather surprising if Rimini, who in later times became known as "The Torturer of Infants," would have been inclined to turn a sympathetic eye toward the plight of the ignorant infidel.<sup>113</sup>

Although Rimini holds that there is no reason why *viatores* are either saved or damned other than God's seemingly arbitrary pleasure, it is nonetheless *not* the case that wayfarers will end up among the reprobate in spite of having performed meritorious acts. For without God's assistance, no human being, Rimini claims, is able to do good, or even to

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111 Ibid., 22-23.

112 Ibid., 20. This is also the gist of the argument in James, "A Late Medieval Parallel."

113 Rimini earned this monicker on account of his (wholly orthodox) conviction, previously held and defended by Augustine, that unbaptized infants who had died prematurely would suffer the eternal punishments of hell.

distinguish sufficiently between a proper and an improper course of action.<sup>114</sup> Thus, when each of two individuals, one predestined for salvation and the other abandoned to eternal damnation, gives alms to the poor, one act is good and meritorious while the other is not.

But how it is possible that two identical actions are judged so differently? Rimini addresses this objection as follows. Human beings, he claims, are, in the absence of special divine assistance, unable to fulfill their foremost obligation, namely to love God for his own sake.<sup>115</sup> Moreover, in their present, fallen state, individuals are unable either to will or to love anything unless it relates directly to their sinful selves.<sup>116</sup> Thus, Rimini concludes that “[any] moral act not ordered ultimately for God or not performed for God’s sake, is not performed for the goal for which it ought to be done; and therefore must be considered despicable and culpable.”<sup>117</sup>

In other words, whether an act is morally good does not depend on the act itself, but rather on its ultimate purpose. Only when performed on account of a selfless love for God

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114 Gregory of Rimini, *Lectura super primum et secundum Sententiarum*, eds. A. Damasus Trapp and Venício Marcolino, 7 vols (Berlin and New York 1981-87), 2, d. 26-28, q. 1, a. 1 (VI, 24): “[...] volo tres conclusiones probare. Quarum prima est quod nullus homo in statu praesenti, dei etiam generali influenza stante, potest absque speciali auxilio dei agere aliquem actum moraliter bonum. Secunda, quod nullus homo etc. potest absque speciali auxilio dei in his quae ad moralem vitam pertinent sufficienter cognoscere quid volendum vel nolendum, agendum vel vitandum sit. Tertia, quod nullus homo etc., habita etiam sufficienti notitia de aliquo volendo vel nolendo, agendo vel vitando ex his quae ad moralem vitam pertinent, potest absque speciali auxilio conformiter velle vel agere.”

115 Ibid., 29: “Homo non potest sine speciali auxilio dei actu vel habitu diligere deum propter se, id est propter ipsum deum [...]”

116 Ibid., 30: “[...] patet quod homo in praesenti statu non potest ex se tantum aliquid velle vel diligere nisi in relatione ad se ipsum, et per consequens non potest diligere deum propter deum.”

117 Ibid.: [...] quoniam nullus actus moralis non ordinatus in deum finaliter seu non factus propter deum est factus propter illud propter quod fieri debet, et per consequens vituperabilis et culpabilis esse censetur.”

is an act to be accepted as in accordance with correct morality.<sup>118</sup> From this Rimini infers an important corollary: beginning with the assumptions that (1) the wayfarer's ability to love God selflessly depends on prior divine assistance, and (2) that in the absence of such assistance every single human act is culpable, he concludes that *viatores* are unable to earn grace through congruous merit.<sup>119</sup> Rimini thus dismisses altogether the notion employed by Holcot to "protect" wayfarers from the adverse effects of invincible ignorance.

Compared to the thought of both Durandus and Holcot, the entire concept of invincible ignorance loses most of its importance in Rimini's theology. Although the latter admits that, lacking "special divine assistance," human beings must sometimes suffer from what is *de facto* invincible ignorance, its invincibility no longer offers an effective protection against guilt.<sup>120</sup> Given the absence of said divine assistance, *viatores*, whether ignorant or not, incur guilt unavoidably through *any* act they might perform that has the slightest moral implication. While individuals lucky enough to have received Rimini's *speciale auxilium Dei* could still suffer guiltless ignorance, it seems quite improbable that such wayfarers – being prior beneficiaries of supernatural help – would have remained ignorant of either the faith or the natural law.

Rimini's finding that only acts performed through the selfless love for God are morally good measures the virtue of the *viator* against a standard that is both universal and immutable, one that is independent of an individual's specific abilities or knowledge. Because

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118 See also Manfred Schulze, "Contra rectam rationem: Gabriel Biel's reading of Gregory of Rimini, Versus Gregory," in *Via Augustini*, 55-71: 61-63.

119 Rimini, *Lectura*, 2, d. 26-28, q. 1, a. 1 (VI, 32): "Ex his infero corollarie quod nemo potest mereri primam gratiam de condigno nec etiam de congruo, contra aliquorum sententiam modernorum. [...] Haec conclusio sic intellecta probatur sic: Nemo potest habere ante primam gratiam actum aliquem liberi arbitrii non culpabilem; igitur nemo de condigno vel de congruo potest mereri primam gratiam."

120 See n. 114, above.

God's indispensable assistance easily trumps any intellectual shortcomings, Rimini has no need to take into account the subjective qualities of a wayfarer. As a result, he is able to propose what is essentially a single moral standard based on the proper response to God's *objective* existence, that is, his existence external to the *viator*. In other words, Rimini defines what is ethically "right" and "wrong" *exclusively* in relation to an object that exists independently of the human subject.

While it is hardly surprising that a Christian scholar would define morality in relation to God, most late medieval theologians, including Scotus, Durandus and Holcot, believed it appropriate also to consider the subjective circumstances under which the wayfarer was forced to operate. Roughly two centuries later, Vitoria, in the context of defending *invincibiliter ignorantes* from the charge of willful immorality, likewise opposed Rimini's argument and thus subscribes to the principle of a partially subjective morality.<sup>121</sup>

Rimini's belief in an immutable and objective morality is further expressed in a second argument, which Vitoria would also explicitly dismiss. While the latter would eventually argue that sinning consists of disregarding one's particular, that is, non-universal, obligations toward God, Rimini claims that there are acts that are invariably and intrinsically evil.<sup>122</sup> To defend this position, Rimini first establishes that sin, if only in theory, could exist independently even from God:<sup>123</sup>

[...] if [for argument's sake] we were to assume [counterfactually] the *de facto* impossibility that either divine reason or God himself did not exist, or that this divine reason were in error, still, if someone were to

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121 See below, chapter 6, esp. pp.285-88.

122 For Vitoria's position see chapter 6, p. 287, n. 126, below.

123 For the implications and subsequent influence of this argument, see: Mandrella, "Die Autarkie des mittelalterlichen Naturrechts."

act against either angelic or human right reason, or the right reason of another being (if such a being were to exist) the aforementioned individual would sin.

And if there were no right reason at all, still, if someone were to act contrary to what, if there were some right reason, it would dictate, the person would sin.

And therefore did I [rightfully] conclude that “it is a sin to act [...] against the dictates of right reason.”<sup>124</sup>

In other words, Rimini argues that as long as there exists at least one rational being, an objective morality must necessarily exist as well. This morality, moreover, is absolute. “*Right* reason,” after all, cannot arrive at false, or even particular (as opposed to “universal”), conclusions. Instead, its rules are universally valid by definition. Because right reason’s dictates are equated with right morality, the acceptance of any moral proposition that contravenes right reason’s conclusions is not only assent to what is false, but choosing to act on it is also morally wrong. As a result, any act contrary to an immutable and universal dictate of right reason is evil *per se*. Rimini explicitly accepts the existence of such acts.<sup>125</sup> Guilt may therefore be incurred regardless of one’s particular intellectual abilities or the specific circumstances surrounding an act.

Clearly, then, Rimini accepts not only the concept of an objective moral good, namely loving God for his own sake, but also the existence of objective moral evils, namely acts that are committed contrary to the necessary and immutable conclusions of right reason. Despite the human inability to do good and avoid evil without the help of divine assistance,

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124 Rimini, *Lectura*, 2, d. 34-37, q. 1, a. 2 (VI, 235): “[...] si per impossibile ratio divina sive deus ipse non esset aut ratio illa esset errans, adhuc, si quis ageret contra rectam rationem angelicam vel humanam aut aliam aliquam, si qua esset, peccaret. Et si nulla penitus esset ratio recta, adhuc, si quis ageret contra illud quod agendum esse dictaret ratio aliqua recta, si aliqua esset, peccaret. Et ideo in ponendo conclusionem dixi ‘peccatum esse agere contra rectam rationem’ seu ‘contra id quod agendum esset secundum rectam rationem.’”

125 Ibid., 237: “[...] multa ex se sunt peccata et non praecise quia prohibita [a deo].”

Rimini maintains that *viatores* who fail to live up to these objective standards will suffer eternal damnation. If his findings were to be applied to the American Indians, the unavoidable conclusion would be that none of them had been predestined for eternal life and glory. Furthermore, we may assume that, had they agreed with Rimini, few medieval or early modern theologians would have protested the slaying of infidels known to be incorrigible reprobates. It seems quite fortunate, then, that Rimini's argument failed to carry the day among the majority of sixteenth-century Spanish scholastics.

### Conclusion

The notion of God's virtually unrestrained freedom and the concomitant lack of divine obligation toward any creature deeply pervaded fourteenth-century theology. As a result, both Durandus and Holcot could argue that statements in the Scriptures themselves were potentially false; and thus, that even educated Christians remained ignorant of their soteriological future. Likewise, Holcot – and probably Durandus, too – was able to claim that salvation outside of the Church was still possible.

More generally speaking, the increasing theological focus on the “*omni*” in *omnipotentia*, transformed the created universe from a place that was mostly necessary to one that was mostly contingent. The resultant lack of necessity hampered *viatores* in acquiring “scientific” certitude. All this contributed to an increasing number of instances in which a wayfarer's ignorance could be invincible. Yet, God's ability freely to ignore his revealed salvific scheme, as, for instance, by saving non-Christians or by damning apparent believers, kept pace with the growing contingency of the world. In cases of invincible ignorance, therefore, God was free to offer salvation nonetheless.

Several modern scholars, of whom Heiko Oberman is perhaps the most notable, have pointed toward the parallels between the aforementioned developments in late-medieval scholasticism and the theology of the Protestant Reformation.<sup>126</sup> In apparent imitation of the Augustinian friar Gregory of Rimini, Protestant thinkers such as Luther and Calvin – if we are to believe their standard portrayal in Reformation historiography – would seem to have focused on God’s ability to reject and damn individuals in spite of the latter doing their utmost. To that ability, however, there is a flipside. If God is able to reject freely, it is all but ineluctable that he may also freely accept, despite the insufficiency of a wayfarer’s initial, unaided efforts. Durandus, Holcot, and eventually Vitoria and Suárez all subscribed, albeit in various forms, to this second position.

Moreover, in clear contrast to Protestant doctrine, these last-mentioned theologians argued for the indirect efficaciousness of human action. Grace is always given in response (not prior) to some well-intentioned deed, even if that initial act is worthless as such. Because human act and divine response need not be proportional, infidels may therefore be found worthy in God’s eyes.

Briefly put, Durandus and Holcot, as well as Vitoria and Suárez, all steered a middle course between the Protestant doctrine of salvation through faith alone (*sola fide*) and the Thomist teaching of salvation through *prescribed* good works and *fixed* ritual *in addition to* faith. Their solution to the increasingly relevant riddle of infidel salvation was only made possible, we must note, by the new, fourteenth-century appreciation of divine freedom.

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126 In addition to Oberman’s early article “Some Notes on the Theology of Nominalism,” see especially the essays collected in his *The Dawn of the Reformation*.

## CHAPTER 4

## PRELUDE TO CRISIS: ON THE DOORSTEP OF A NEW AGE

The traditional historiography of the late nineteenth and early twentieth centuries once saw the first half of the fourteenth century as an era of little intrinsic interest. It is now seen as an innovative period in which scholasticism reached spectacular heights. Although the subsequent period between ca. 1350 and 1500 remains relatively little studied, the general consensus is that it was a time of stagnation in which original thought was increasingly lacking. The ravages of the Black Death have been used to explain why Oxford, for instance, ceased to be a center of innovation, but one-and-a-half centuries of (relative) intellectual torpor following its first major outbreak cannot be ascribed to the plague alone.<sup>1</sup> The period of greatest stagnation, moreover, only commenced in the early fifteenth century, but that era also saw the founding of many new universities throughout Europe. Whatever caused the decline in intellectual accomplishments post 1350, it was not a shortage of either students or teachers.

In an important work, Zenon Kaluza has argued that the aforementioned stagnation may be explained primarily by what is often labeled the *Wegestreit*, or “Quarrel of the Ways,” which pitted the “nominalist” Moderns (*Moderni*) against the “realist” Ancients (*Antiqui*).<sup>2</sup> He posits that this great conflict, which dominated the intellectual life at late-medieval universities, eventually devolved into a confusing battle among the supporters of various

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1 On the effect of the Black Death on the University of Oxford see e.g. Courtenay, *Schools and Scholars*, 327-32.

2 See: Zenon Kaluza, *Les querelles doctrinales à Paris: nominalistes et réalistes aux confins du XIV<sup>e</sup> et du XV<sup>e</sup> siècles* (Bergamo 1988). On the genesis of the terms *Moderni* and *Antiqui* as representing distinct intellectual traditions, see: Neal Ward Gilbert, “Ockham, Wyclif, and the ‘via moderna,’” in A. Zimmermann ed., *Antiqui und Moderni Miscellanea Medievalia* 9 (Berlin 1974), 85-125.



exemplary thinkers, so that the Scotists, Ockhamists, Thomists, and Albertists, as well as other groups, all came to oppose each other. Kaluza, however, maintains that the *Wegestreit* was institutional rather than doctrinal, as power became more important than “truth” and factional in-fighting came to replace any meaningful exchange of ideas. Opposing viewpoints were increasingly discredited as simply misguided, or even heretical. In response to this development, those taking doctrinaire positions, such as the Parisian Albertist Jean de Maisonneuve (d. 1418), defended their stances by refusing to debate at all. Not surprisingly, scholarship suffered and degenerated into “sterile polemics.”<sup>3</sup>

To some extent, scholasticism did not revive until the early sixteenth century.<sup>4</sup> In the following chapters we shall see that the foremost scholars of that later period, namely Vitoria and Suárez, accomplished so much precisely because they were once again able to integrate the teachings of various theological traditions into their work. More specifically, I will demonstrate that Vitoria and Suárez abandoned critical aspects of Thomist doctrine in favor of a number of “nominalist” teachings.<sup>5</sup>

Despite the generally bad reputation of late-medieval scholasticism, certain fifteenth-century developments are of interest for this study. Here, I highlight relevant aspects of the theological thought immediately preceding the sixteenth-century Iberian theologians who are discussed in subsequent chapters. Additionally, some doctrinal decisions made at the Council of Constance (1414-18) greatly influenced the direction of the subsequent debate regarding Spain’s New World conquests. Thus, in addition to the lasting impact of the Council of

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3 Kaluza, *Les querelles*, esp. 124-5.

4 See below, chapter 8, p. 325.

5 See below, chapters 6, 8.

Constance, I discuss some of the conclusions arrived at by the influential scholars Gabriel Biel (1410?-1495), John Major (1467-1550) and Thomas Cajetan (1469-1534).

### Dominion of Grace at the Council of Constance

A central event at the Council of Constance was the condemnation and burning at the stake of the Czech reformer Jan Hus (ca. 1372-1415). Hus, at the time of his death, was an influential master at the Charles University in Prague, where he taught and defended the doctrines of the English theologian John Wyclif (ca. 1324-1384). One particular “Wyclifite” teaching that got Hus into trouble was the assertion that rightful *dominium* – the right to hold possessions and exercise power – is dependent upon being currently a recipient of divine grace. Those living in sin – and thereby no longer in grace – are only usurpers of the goods and authority that rightfully belong to the just.<sup>6</sup> Wyclif, in his turn, had derived this doctrine from the *oeuvre* of the Anglo-Irish archbishop Richard FitzRalph (ca. 1300-1360). The latter had employed this argument to advance the position that the mendicant friars – who, in violation of their solemn oaths to God, were not *truly* living in poverty – were therefore unworthy to exercise the pastoral duties that were rightfully the domain of the secular clergy.<sup>7</sup>

Contrary to the Donatists of old, both Wyclif and Hus had taken care to distinguish between the right of the officeholder to exercise his authority and the unassailable authority of the office. They carefully argued that an unworthy priest could still confer sacramental

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<sup>6</sup> For a brief summary of Wyclif’s views, see e.g. Michael Wilks. “Predestination, Property, and Power: Wyclif’s Theory of Dominion and Grace,” *Studies in Church History* 2 (1965), 220-36.

<sup>7</sup> See: Katherine Walsh, *A Fourteenth-Century Scholar and Primate: Richard FitzRalph in Oxford, Avignon and Armagh* (Oxford 1981), 377ff.

grace, even if he himself exercised his office unjustly.<sup>8</sup> The holy fathers of Constance, however, failed to recognize this distinction; and Hus, partly on account of the misplaced identification of his doctrines with the Donatist heresy, was to burn regardless.<sup>9</sup>

Hus' defense of FitzRalph's and Wyclif's doctrine of what came to be known as the theory of the "dominion of grace" was, if nothing else, badly timed. With the Western Schism at its height, no fewer than three popes were simultaneously claiming to be St. Peter's rightful successor. This was not a good moment to cast even the slightest doubt on the objective authority of ecclesiastical offices. For if the personal worthiness of the officeholder indeed affected the efficaciousness of the office, the larger part of the universal Church would be lacking a pontiff in the possession of actual sacramental power. As a result, the validity of the ordinations of many bishops and even parochial priests – and thus *their* power to loose and bind, i.e., the very basis of clerical power, authority and wealth – could be rightfully called into question.<sup>10</sup>

In addition to judging Hus' teachings and seeking to end the Western Schism, the prelates at the Council of Constance also tried to resolve the ongoing controversy regarding the Teutonic Knights' attempted conquest of Lithuania. Although most Lithuanians were pagans, their Grand Duke Jogaila (later Władysław II Jagiełło) had converted to Christianity in 1386 in order to be crowned King of Poland.<sup>11</sup> Significantly, the Polish-Lithuanian delegation at Constance succeeded in painting the Teutonic Knights' argument for the

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8 Wilks, "Predestination, Property, and Power," 226-27. Cf. Muldoon, *Popes, Lawyers and Infidels*, 110-11.

9 Ibid.

10 Muldoon, *Popes, Lawyers and Infidels*, 109.

11 Although Jogaila was succeeded as Grand Duke of Lithuania by his cousin Vytautis in 1401, he retained the rights of an overlord.

forced Christianization of Lithuania through conquest as tainted by the Wyclifite and Hussite heresy that sinners could not rightfully own possessions or exercise authority; and argued that the Teutonic Knights, because of *this* particular reason, felt themselves justified in occupying the land held by the Lithuanian infidels.<sup>12</sup> A commission specifically appointed by the general council to settle the conflict between Poland and the Knights generally sided with the Polish viewpoint. Thus, the argument that infidels lacked *dominium* on account of nothing more than their unbelief was decisively overturned.<sup>13</sup>

This was not to say that infidels now possessed the same rights as true believers: those living in formerly Christian lands could still be forcibly expelled and those actively hindering the preaching of Christianity were still to be punished. Yet, such later fanciful notions as either the theory that the Americas had once belonged to the domain of rulers whose rightful successors had now converted to Christianity, or the claim that these lands, many centuries before, had been subject to proper Christian preaching, whence the Indians were apostates, ceased to attract many defenders after the early sixteenth century.<sup>14</sup> And although it was beyond doubt that the American Indians did not share the Christian faith, the extent to which they deliberately prevented peaceful missionaries from preaching that faith could be debated.<sup>15</sup>

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<sup>12</sup> Muldoon, *Popes, Lawyers and Infidels*, 112ff.

<sup>13</sup> Ibid., 118-19. The canon lawyer Hostiensis (ca. 1200-1271) had been the most influential proponent of this argument. For his ideas and their development see the preceding chapters in *Popes, Lawyers and Infidels*.

<sup>14</sup> See below, chapter 5, pp. 192-93; chapter 6, pp. 244-450.

<sup>15</sup> The lawyer Juan Lopez de Palacios Rubios, for instance, argued in the so-called *Requerimiento* that the Spanish conquests were legitimate on account of this failing. Bartolomé de Las Casas, however, countered that attempts at “peaceful” conversion were generally accompanied by the depredations of “most corrupt” false Christians. See: Muldoon, *Popes, Lawyers and Infidels*, 141-42 and below, chapter 5, esp. n. 97.

Since the most obvious legal arguments for dispossessing the infidel either did not apply to the Americas, or could only be applied with great difficulty and in isolated instances, the ability of lawyers to judge the legitimacy of Spain's New World conquests could be called into question. Francisco de Vitoria, for instance, maintained that theologians like himself were far more capable of adjudicating this matter, because the Indians, while not being subject to the human law of Christian Europeans, were still subordinate to divine law, of which mere lawyers had insufficient knowledge.<sup>16</sup>

Vitoria's contention that the conquest of infidel lands is not a straightforward legal matter was above all based on his rejection of the doctrine of dominion of grace:

[...] Richard FitzRalph, a man otherwise of the most outstanding intellect, argues in his book *On the Poverty of Christ*, not only that lack of [Christian] faith, but any [unabsolved] mortal sin, blocks [there being] any [legitimate] kind of power, as well as dominion and jurisdiction, whether public or private, believing [falsely] that the title and foundation of any kind of power is grace. I pass over his arguments, because they are too unconvincing to require rebuttal. There can be no doubt whatsoever that unbelievers do have legitimate rulers and masters [...].<sup>17</sup>

The unqualified dismissal of the notion that infidels could be dispossessed of their goods merely on account of their unbelief had important implications. For instance, Vitoria's opponents who sought to justify Spain's imperial endeavors were forced to shift their focus from Indian paganism, which is easily established, to more specific, subjective forms of

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<sup>16</sup> Ibid., 144.

<sup>17</sup> Francisco de Vitoria, *De potestate civili*, ed. Teofilo Urdanoz OP, *Obras de Francisco de Vitoria* (Madrid 1960), 108-195: 165: "Et Richardus, vir alioquin praestantissimi ingenii, in libro *De paupertate Christi*, non solum infidelitatem, sed quodcumque mortale peccatum putat impedire omnem potestatem et dominium iurisdictionemque tam publicam quam privatam, et titulum et fundamentum cuiuscumque potestatis credit esse gratiam; cuius rationes praetereo, quia infirmiores sunt quam ut declaratione indigeant. Nec omnino est dubitandum quin apud ethnicos sint legitimi principes et domini [...]." For FitzRalph's influence on Vitoria see specifically Michael Dunne, "Richard FitzRalph of Dundalk (c. 1300-1360) and the New World," *Archivum Hibernicum* 58 (2004), 243-58.

immorality. Significantly, while “Christian” and “infidel” were still mostly objective categories, the moral quality of an act, most theologians maintained, was to be judged in accordance with the subjective circumstances in which it was committed. Lawyers, who only possessed professional knowledge regarding established precepts of human law, were simply unqualified to distinguish right from wrong when clear rules and labels either did not apply, or had ceased to be relevant.

The need to judge the morality of specific acts, rather than to judge a straightforward aspect of Indian identity (i.e. their unbelief), created new openings for questioning the justice of Spain’s ongoing conquests in the New World. Henceforth, not only Indian acts themselves were subject to scrutiny, but *additionally* so was the context in which they were committed. The importance of this development may be illustrated as follows. While the killing of a human being, for instance, was usually considered a dreadful sin, there were situations – self-defense, the execution of a criminal, waging a just war – in which this particular act was perceived as wholly justified. Similarly, circumstances might be imagined that would excuse Indian wrongdoings, including idolatry and even human sacrifice. As we shall see in the next chapter, invincible ignorance was the foremost of such exculpatory contingencies.<sup>18</sup>

In short, the fact that the prelates at the Council of Constance had condemned the doctrine of dominion of grace ultimately required that the context in which Indian “offenses” occurred be considered, instead of just using their unbelief as a sufficient justification for conquest and war. The Council of Constance, through its decisive rejection of what would have been the most convenient legal argument for conquering and enslaving

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<sup>18</sup> See especially, chapter 5, p. 222ff.

the New World infidels, not only made Spain's imperial undertakings a matter of theological dispute, but also ensured a prominent role for the concept of invincible ignorance in this debate.

### Gabriel Biel

Between the Council of Constance and the emergence of the so-called School of Salamanca in the third decade of the sixteenth century, a number of theologians contributed to the theological speculation that was to prove relevant to the question of infidel rights. The first of these is the German theologian Gabriel Biel.

Biel was born, presumably around 1410, in the German city of Speyer.<sup>19</sup> Already ordained to the priesthood as a young man, he afterwards entered the faculty of arts of the University of Heidelberg in 1432. There he earned his baccalaureate in 1435 and his master's degree in 1438. After two separate stints at the University of Erfurt, a stronghold of the *via moderna*, he studied theology at the University of Cologne, which was wholly dominated by Thomists and Albertists. From ca. 1460 onwards, Biel served as cathedral preacher and vicar in Mainz until, not long afterwards, he joined the Brethren of the Common Life.

In 1484, when he was probably over seventy years old, Biel was appointed to the theological faculty of the newly founded University of Tübingen. Biel's *Sentences* commentary, in which he declares himself a follower of William of Ockham, dates from this period.<sup>20</sup> Biel

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19 For Biel's biography see e.g. Oberman, *Harvest*, 10-21.

20 Gabriel Biel, *Collectorium circa quattuor libros Sententiarum*, eds. Wilfridus Werbeck and Udo Hoffmann, 4 vols (Tübingen 1973-1977), esp. p. 7: "Cum ergo nostri propositi est dogmata et scripta venerabilis inceptoris Guilelmi Occam Anglici, veritatis indagatoris acerrimi, circa quattuor Sententiarum libros abbreviare, tentabimus divino aspirante ductu circa Prologum et singulas distinctiones scholasticas movere quaestiones et, ubi praefatus Doctor scribit diffusius, suam sententiam et verba accurtare – et praesertim in primo, in quo profundius et latius quam in ceteris scriptis correspondenter ad singulas distinctiones quaestiones movit et

was twice elected rector, both in 1485 and 1489, and under his influence the *via moderna* came to dominate the university. Biel died on December 7, 1495.

Although recent studies have added important nuances, Biel is still seen as a foremost “voice” of late medieval nominalism.<sup>21</sup> Biel, moreover, may have done more to popularize “Ockhamism” than even the Venerable Inceptor himself.<sup>22</sup> During the sixteenth century, Biel was one of the most discussed nominalist theologians at Spanish universities: the *Cátedra de Nominales* at Alcalá was named after him and his thought was also, if less prominently, taught at Salamanca.<sup>23</sup>

Many of Biel’s conclusions echo those of Durandus, Holcot, and – to a much smaller degree – Rimini. As Heiko Oberman has observed in his groundbreaking *Harvest of Medieval Theology*, Biel held that only God is necessary in an absolute sense. All his actions *ad extra* are therefore contingent; and thus, could have been otherwise. As a result, the present order possesses no absolute necessity and represents only one of the many possibilities that God could have chosen to actualize – and if there is no absolute necessity to the created order, then human beings can have no absolute, i.e., “scientific,” certitude about the world they inhabit or of the moral and religious obligations they must fulfill.<sup>24</sup> This situation of doubt is

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resolvit –, in aliis vero, ubi parum vel nihil scribit, aliorum doctorum sententias a dicti Doctoris principiis non deviantes, quantum potero, ex clarissimorum virorum alveariis in unum comportare.”

21 Paul van Geest, “Das Niemandsland zwischen *Via moderna* und *Devotio moderna*: der *status quaestionis* der Gabriel-Biel-Forschung,” *Nederlands archief voor kerkgeschiedenis/Dutch Review of Church History* 80 (2000), 157-92: 169-75; 181-89.

22 That “Ockhamism” hardly existed as a fourteenth-century phenomenon has been convincingly demonstrated in Tachau, *Vision and Certitude*. A later thinker such as Vitoria, moreover, seems to have known Ockham only indirectly through Biel. See e.g. below, chapter 6, n. 122.

23 Andrés, *La teología española*, 1: 29-40.

24 Oberman, *Harvest*, 38-39.



further exacerbated by Biel's observation that divine revelation may be false. Since there is no higher being or law, God is a law unto himself; and thus, he has no obligation – legal, moral, or otherwise – to avoid speaking falsehoods. Hence, Biel concludes that whatever God reveals need not be actually true – as long as the uttering of falsehoods is done *de potentia absoluta*.<sup>25</sup>

It must be noted, however, that according to Biel divine action *de potentia absoluta* is not actually (*realiter*) distinct from divine action *de potentia ordinata*. Nor is it the case that whenever God acts *de potentia absoluta*, he acts without order. The distinction merely indicates that even if God mostly acts in accordance with the laws he has freely instituted, sometimes he does not. Following Pierre d'Ailly, Biel observes that God, to heal the stricken Ezekias (2 Ki 20:7), used his *potentia absoluta* to give supernatural healing powers to a poultice of figs.<sup>26</sup>

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25 Biel, *Collectorium*, III, d. 12, q. un., a. 3, p. 211: “Sed an Deus possit revelare falsum, non video, quin possit, prout argutum est. Potest enim omnem actum peccati positivum facere, non tamen ideo peccare, ut dictum est II dist. 37. Et si mentiri simpliciter est dicere, asserere vel revelare falsum, non video, quin Deus hoc possit de potentia absoluta. Non tamen sic omne mendacium erit peccatum, sed solum mendacium a creatura contra legem prolatum [...]” Cf. *Ibid.*, II, d. 37, q. un., a. 3, p. 643: “Respondetur quod Deum impossibile est peccare. [...] Tertia ratio est: Quia Deus nullius extra se est debitor. Neque enim habet superiorem, cuius praecepto oboedire tenetur. Quia autem peccare est a Deo formaliter vel virtualiter averti et a sua regula, recta scilicet ratione, discordare et contra debitum et legem, cui subesse tenetur, libere agere, patet quod impossibile est Deum peccare.”

26 See Oberman, *Harvest* 37-38. Oberman relied on the following passages: Biel, *Collectorium*, I, d. 17, q. 1, a. 3, pp. 419-20: “[...] Deus potest facere de potentia ordinata et quaedam de potentia absoluta. Haec distinctio non est sic intelligenda quo in Deo realiter sint duae potentiae, quarum una sit ordinata, alia absoluta; quia unica est potentia in Deo ad extra, quae omni modo est ipse Deus. Nec sic est intelligenda quod aliqua potest Deus ordinate facere et alia potest facere absolute et inordinate; quia Deus nihil potest facere inordinate. Sed est sic intelligenda quod ‘posse aliquid’ aliquando accipitur secundum leges ordinatas et institutas a Deo. Et illa Deus dicitur posse facere de potentia ordinata. Aliter accipitur ‘posse’ pro posse facere omne illud quod non includit contradictionem fieri, sive Deus ordinavit se hoc facturum sive non; quia Deus multa facere potest, quae non vult facere [...]” *Ibid.*, IV, d. 1, q. 1, a. 3, pp. 29-30: “Et ideo notat hic Petrus Aliaco [...] ‘quod, sicut dicitur quod Deus aliquid potest de potentia absoluta, quod non potest de potentia ordinata,’ sic etiam creatura potest aliquid de potentia ordinata, quae videlicet potest secundum ordinem a Deo nunc institutum; potest etiam aliquid de potentia absoluta sive oboedientiali, secundum quam potest, quidquid mediante ipsa Deus potest producere, non solum secundum ordinem nunc institutum, sed secundum ordinem institui possibilem. Et ita natura aliqua potest in effectus contrarios effectibus, quos modo potest; sicut de cataplasmate ficuum appposito de vulnere regis Ezechiae per Isaiam prophetam, quo sanatus est, ut habetur 4 Reg 20, dicunt expositores quod ficus secundum naturam propriam erant contrariae sanationi ulceris, tamen ex speciali miraculo et ordinatione divina speciali induxerunt effectum contrarium.”

Because God is not formally bound by his established laws and since he is therefore able to act contrary to his own rules, there is no set of immutable of conditions that, if met, would guarantee the *viator* salvation. Likewise, wayfarers who remain unrepentant of their mortal sins need not automatically be condemned to eternal punishment. In other words, God is free to accept or reject at will, regardless of the *viator*'s actions or sacraments received. More specifically, salvation without any kind of baptism remains possible *dei potentia absoluta*. Similarly, a *viator* could gain merit without having been assisted by the gift of grace, or *not* gain merit while living in the state of grace. God is even free to annihilate mortal sinners and the just alike.<sup>27</sup>

As with our earlier discussion of Durandus' and Holcot's thought, it would be a mistake to focus too much on Biel's opinion of what God *could* do, as opposed to what God actually *would* do. According to Oberman, Biel essentially believed that "God's freedom, *libertas*, allows him to express his generosity, *liberalitas*, in ignoring the lack of proportion between [human] deed and [the] reward [of eternal life], so that his mercy, *miser cordia*, is revealed."<sup>28</sup> Even though it is ultimately impossible to rely with perfect confidence on God's laws, decrees, or even his direct revelations, wayfarers can still trust in his mercy and goodness, as well as the knowledge that he will not abandon those who do their best.

While it thus appears that divinely instituted rules and obligations are not fixed, there are still limits to God's seeming arbitrariness. There is flexibility, for instance, with regard to the necessity of the sacraments and intercession of the Church. Since God often chooses to achieve his goals through supernatural means when natural means could have sufficed, there

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<sup>27</sup> Oberman, *Harvest*, 46-49; Leonard A. Kennedy, "The Fifteenth Century and Divine Absolute Power," *Vivarium* 27 (1989), 125-52: 137-38.

<sup>28</sup> Oberman, *Harvest*, 173.

is no reason to suppose that *viatores* could not live justly, relying on their natural abilities alone.<sup>29</sup> In fact, Biel concludes that wayfarers who fruitfully employ their unaided free will are naturally able to fulfill all of God's commandments, even if they must rely on additional divine aid to earn eternal life.<sup>30</sup> In other words, the sacraments are helpful, but – strictly speaking – optional.

Likewise, God is able to revoke his previously established laws – both generally and in particular cases. He has abolished, for instance, the ceremonial and judicial precepts of the Old Law; and even though the first principles of the natural law remain immutable, God has temporarily revoked its secondary precepts on several occasions, most notably when he ordered Abraham to slay his son Isaac.<sup>31</sup>

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29 Biel, *Collectorium*, II, d. 28, q. un., a. 3, pp. 540-41: “Dubitatur secundo contra conclusiones simul. Nam si homo ex suis naturalibus posset moraliter bene agere et ad gratiam se disponere, peccata cavere et praecepta implere, frustra et inanes essent preces ecclesia [...] Potest tamen et aliter responderi. Pro quo advertendum quod multa operatur Deus supernaturaliter, quae limites naturae non excedunt. Sic apostolis scientiam multarum veritatum naturalium, quam naturaliter acquirere potuissent, infudit. Sic nonnullus sanavit ab infirmitatibus, a quibus naturaliter mederi potuissent; sicut socrum Simonis a febribus, Mt. 8.”

30 Ibid., a. 2, p. 539: “Tertia conclusio: Homo per liberum arbitrium ex suis naturalibus potest divina praecepta quoad actus substantiam implere, sed non ad intentionem praecipientis, quae est consecutio salutis nostrae.”

31 Ibid., III d. 37, q. un., a. 2, pp. 637-638: “Quinta conclusio: Quamvis legislator Deus circa observantiam praeceptorum secundae tabulae simpliciter dispensare posset per praecepti relaxationem, non tamen sic dispensat de facto propter magnam eorum cum lege naturae proprie proximationem. Primum patet, quia, ut dictum est cum non sint de lege naturae stricte, non possunt deduci formaliter ex principiis necessariis in consequentia formali et simpliciter necessaria; ergo illa posse mutari a Deo negandum non est, cum nullam implicet contradictionem. Unde negandum non est, quin Deus praecipere posset alicui occidere innocentem, cum plenum habeat dominium et potestatem occidendi et vivificandi. In quo casu revocaret praeceptum de homicidio quantum ad illum, cui oppositum eius praeciperet. Sic enim legitur praecipisse Abrahae, ut occideret Isaac filium suum, Gen. 22. [...] Quod si diceres: Licet praeciperet Abrahae sacrificare filium suum ad probandum eius oboedientiam, non tamen revocavit praeceptum, neque voluit, ut occideret filium suum, sicut patet, quia volentem occidere prohibuit. Contra: Aut Abrahae credit Deum posse praecipere filii immolationem aut non. Si non, ergo volendo occidere filium peccavit, quia contra legem naturae indispensabilem facere voluit. Consequens falsum, quia in hac volitione multum a Deo commendatus est. Si credit, aut erravit aut non. Si non, habetur propositum, quod credendo Deum revocare potuisse praeceptum non erravit. Ergo verum fuit Deum posse revocare praeceptum; quod est propositum.”

Yet while Biel argues that the rules which encourage the good and discourage the bad may be flexible, the concepts of “right” and “wrong” themselves remain fixed and immutable. Thus, Biel defines sin as follows. “A sin,” he writes, “is a voluntary deed or omission against right reason.”<sup>32</sup> Critically, Biel remarks that he deliberately employed the phrase “against right reason,” rather than “against divine reason,” so as to avoid the impression that a sin is sinful because it is against *divine* reason, rather than against *right* reason. Quoting Gregory of Rimini, Biel further contends that even if it is assumed “*per impossibile*” that God did not exist, or that the divine reason could err, one could still sin by acting against the right reason of an angel or another human being. “And if somehow there were no right reason at all, one would nonetheless sin if one were to act against what right reason – were it to exist – would dictate.”<sup>33</sup>

In spite of Biel’s conclusion that right and wrong are to be defined absolutely, and that right reason reveals what is right, human beings may still inadvertently sin. The fall from paradise, Biel argues in his *Canonis misse expositio*, caused human beings to live in a “horrendous depth of ignorance,” which is “the mother of all errors.”<sup>34</sup> Fallen humankind,

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32 Ibid., II, d. 35, q. un, a. 1, p. 612: “Unde potest ex illis elici illa definitio brevis peccati: Peccatum actuale est voluntaria commissio vel omissio contra recta rationem; et est generalis, includens peccatum cordis, oris et operis, commisionis et omissionis.”

33 Ibid.: “Dicitur autem ‘contra rectam rationem’ et non ‘contra divinam rationem,’ ne putetur peccatum esse praecise contra rationem divinam et non contra quamlibet rationem rectam de eodem, aut ne aestimatur aliquid esse peccatum non quia est contra rationem divinam inquantum rectam, sed quia est contra eam inquantum est divina. Nam si per impossibile Deus non esset, qui est ratio divina, aut ratio illa divina esset errans, adhuc si quis ageret contra rectam rationem angelicam vel humanam aut aliam aliquam, si qua esset peccaret. Et si nulla penitus esset recta ratio, adhuc, si quis ageret contra id quod agendum dictaret ratio recta, si aliqua esset, peccaret. Haec Gregorius [II *Sent.*] dist. 34[-35, q. 1], a. 2.” Cf. Oberman, *Harvest*, 106-7.

34 Gabriel Biel, *Canonis misse expositio*, eds. Heiko A. Oberman and William J. Courtenay, 5 vols (Wiesbaden 1963-1976), I, prol., p. 3: “[...] homo impatiens, dum reiecto conditoris timore [dei], superbiens precepto ligari contempsit, vitam perdidit pariter et intellectum. Indicat hoc ipsum horrenda quedam ignorantia profunditas, errorum omnium mater, que cunctos ade filios in tenbroso quodam suscipit sinu.” Cited in Lawrence Murphy,

despite being grievously wounded in its nature, has nonetheless retained a natural inclination to truth.<sup>35</sup> Yet, the human quest for truth is easily derailed. In a telling passage that concerns the philosophers of Antiquity, but – had Biel known of their existence – might also have been deemed applicable to the intellectual leaders of the New World natives, he writes:

For, full of self-confidence, they have gone off to a distant country of countless errors and worthless rites, while the invisible God whose existence they could have proved on the basis of what he created, ‘they did not glorify as God or thank; but (thinking highly of themselves) [thanking and glorifying him] faded away from their thoughts.’ And ‘what they discovered through curiosity, they lost through pride,’ as Augustine says, [as quoted] in the [Ordinary] Gloss on Romans 1.<sup>36</sup>

One notable result of the fall and its aftermath is that the knowledge of God, which *viatores* may attain through natural means alone, is limited and confused.<sup>37</sup> Even God’s existence, for instance, is not self-evident. Instead, the premise that he does must be demonstrated by reasoning and argumentation. However, since the fool of the Psalms (13:1 and 53:1) could doubt God’s existence, it is obvious that other wayfarers could also fail in this task.<sup>38</sup> Yet, Biel further remarks, quoting Alexander of Hales, that Christians and

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“Gabriel Biel and Ignorance as an Effect of Original Sin in the Prologue to the *Canonis missae expositio*,” *Archiv für Reformationsgeschichte* 74 (1983), 5-24: 8.

35 Ibid.: “*Gratis siquidem spoliatio homini et naturalibus vulnerato, secundum evangelicum paradigma descendente ab hierusalem in hiericho, incidentisque in latrones, remansit naturalis ad verum in intellectu, ad bonum in affectu.*”

36 Ibid.: “*Enimvero processerunt in se confisi in regionem longinquam, multiplicium errorum et vanissimorum cultuum, dum deum invisibilem quem ex creatis rebus visibilibus esse comprobarunt ‘non sicut deum glorificaverunt, nec gratias egerunt; sed (putantes se aliquid esse) evanuerunt in cogitationibus suis.’ Et ‘quod curiose invenerunt, per superbiam perdididerunt,’ ut ait Augustinus in GLOSA, ROM. I.*”

37 Oberman, *Harvest*, 67.

38 Biel, *Collectorium* I, d. 3, q. 4, a. 2, pp. 223-24: “*Conclusio prima [...] est: Propositio ‘Deus est,’ quam pro statu isto formamus, non est per se nota. Probatur: Quia est dubitabilis. Dixit enim insipiens: Non est Deus.*” Cf. Oberman, *Harvest*, 40-1.

heathens alike are “generally” aware that they must seek recourse from their creator and ask for enlightenment, thereby doing “what is within them.”<sup>39</sup> Although Biel thus admits that it is possible to suffer from complete ignorance of the one true God, he seems to doubt that such ignorance would be wholly invincible.

Regarding the issue of human ignorance of the natural law and the Decalogue, Biel’s views closely echo the thought of Scotus. Biel first establishes that not all of the Ten Commandments belong to the natural law strictly speaking.<sup>40</sup> Only the first two negative precepts: “You shall have no other gods” and “you shall not use the name of God vainly” are properly part of the law of nature; and, as a result, are self-evident and thus infallibly known.<sup>41</sup> The remaining precepts, both negative and positive, belong to the “natural law broadly speaking;” and hence, ignorance of these commandments is possible.<sup>42</sup> Likewise, while God cannot give dispensation from the first two precepts, he can do so with regard to the other eight.<sup>43</sup>

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39 Ibid., II, d. 27, q. un., a. 2, p. 518: “Nam secundum Alexandrum III, q. 69 articulo paenultimo [...] Cum ergo [...] per liberum arbitrium operatur homo, recurrendo ad illum, quem scit suum principium, et petit ab eo lumen cognitionis fidei et boni, facit quod in se est. Et hoc generaliter in quolibet homine.”

40 Ibid., III, d. 37, q. un., a. 2, p. 636: “Quantum ad articulum secundum est conclusio prima secundum menti Scoti: Non omnia decalogi praecepta sunt de lege naturae stricte accepta.”

41 Ibid.: “Secunda conclusio: Duo praecepta negativa primae tabulae sunt de lege naturae, accipiendo legem naturae proprie. Probatur conclusio de his duobus, quatenus sunt negativa, primo: ‘Non habebis deos alienos’ et secundo: ‘Non assumes nomen Dei tui in vanum,’ hoc est: ‘Non facies Deo irreverentiam.’ Nam illa sunt principia practica ex terminis evidentia aut conclusiones ex eis necessario consequentes; ergo. – Consequentia nota.”

42 Ibid.: “Tertia conclusio: Secundae tabulae praecepta tam affirmativa quam negativa sunt de lege naturae non stricte, sed large accepta. Quod non stricte probatur: Quia eorum, quae ibi praecepta sunt aut prohibita, non sunt principia practica simpliciter necessaria, nec conclusiones simpliciter necessariae.”

43 Ibid., p. 637: “Quarta conclusio: Legis naturalis stricte praecepta non sunt primo modo nec secundo dispensabilia.” See further n. 31, above.

It thus seems that Biel admits that some ignorance of the Decalogue and, by extension, the natural law is possible. And even though Biel had maintained that the prohibition to worship false gods is self-evident, this is only the case if we first recognize all the proper implications of the concept “God,” namely that he exists, that he is unique, that he is wholly good, etc.<sup>44</sup> Yet as noted above, the fool of the Psalms had failed to do so. Consequently, the typical Indian “sin” of idolatry, despite being prohibited by “natural law strictly speaking,” might actually be caused by ignorance, rather than a deliberately evil will.

But precisely how culpable is such ignorance? To assess the guilt of ignorant wayfarers more accurately, Biel lists three kinds of ignorance that may cause individuals to sin, distinguishing among willful ignorance (*ignorantia affectata*), “dull” or “coarse” ignorance (*ignorantia crassa*), and invincible ignorance (*ignorantia invincibilis*). *Ignorantia affectata* occurs when human beings actively desire to remain ignorant; *ignorantia crassa* when *viatores* are sluggish and indolent in seeking out the truth; and *ignorantia invincibilis* is the kind of ignorance that remains after wayfarers have done “everything they are obligated to do.”<sup>45</sup> As to the culpability of each kind of ignorance, Biel concludes that invincible ignorance excuses

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44 See n. 41 above. This passage is immediately followed by these lines: “Antecedens probatur: Nam suppositio quod sit naturaliter notum unum tantum esse Deum, ut probat Philosophus XII *Metaphysicae*, sequitur formaliter alienum non esse habendum. Sequitur enim formaliter: Nihil quod non est Deus, pro Deo est colendum seu habendum; alienus deus non est Deus; igitur alienus deus pro Deo non est habendus. Praemissae sunt naturaliter, immo ex terminis notae, et sunt practicae; ergo et conclusio nota et necessaria et per consequens de lege naturae.”

45 Biel, *Collectorium*, II, d. 22, q. 2, a. 1, p. 453: “Tertio modo distinguitur ignorantia in ordine ad voluntatem tamquam ad causam. Et sic ignorantiarum quaedam est affectata, quaedam crassa et supina, quaedam invincibilis. [...] Ignorantia affectata est, qua voluntas vult nescire sive nult scire actu positivo; [...] Ignorantia crassa et supina et ignorantia, quae consequitur negligentiam inquirendi scienda, quae quidem non affectatur nec volita est nec placet, sed tamen tolli posset, si diligens cura inquirendi et proficiendi adesset. Quae dicitur crassa, quia causatur ex desidia et pigritia laborandi ad acquisitionem sciendi; quae frequenter adhaeret crassis et pinguibus hominibus. [...] Invincibilis dicitur, non quin simpliciter possit vinci, sed quae manet postquam homo fecit omnia, ad quae tenetur pro eius expulsionem.”

completely, “coarse” ignorance excuses partially, and willful ignorance actually aggravates one’s guilt.<sup>46</sup>

To distinguish between invincible ignorance and either *ignorantia crassa* or *affectata*, Biel questions whether “a young boy, brought up in a Saracen prison from infancy,” sins by “not believing or following” the Christian Law. Although it may initially appear that such an individual could be excused on account of his invincible ignorance, Biel responds that if the boy were sufficiently worthy, God would not fail to illuminate him. Ignorance of God and the Christian law is therefore never invincible; and thus always at least somewhat culpable.<sup>47</sup>

If later scholars were to apply Biel’s conclusions to the New World pagans, it seems most likely that the latter would have to be classified as suffering from *ignorantia crassa* rather than *ignorantia affectata*. The Indians, after all, had very obviously “gone off to a distant country of countless errors and worthless rites,” where, over the course of many centuries, “their thoughts [of God] faded away.”<sup>48</sup> If such scholars were also to assume the validity of the Aristotelian concept of *habitus* and the inheritance of acquired characteristics, the “natural” result of such a long-term descent into paganism and error would be an all-

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46 Ibid., a. 2, pp. 457-58: “Est ergo conclusio prima: Ignorantia invincibilis praecedens voluntatis actum, sive positiva sive negativa, sive iuris sive facti simpliciter excusat a peccato non solum in tanto, sed in toto. [...] Secunda conclusio: Ignorantia crassa praecedens eorum, quae homo scire tenetur, non excusat actum voluntatis a peccato simpliciter et in toto, sed aliquantulum et in tanto. [...] Tertia conclusio: Ignorantia affectata praecedens eorum, quae homo scire tenetur, peccatum aggravat atque auget.”

47 Ibid., a. 3, pp. 460-61: “Quantum ad tertium articulum dubitatur circa concl. 1. et ponitur casus: Sit puer, qui in infantia includatur in carcere Saracenorum: utrum ignorando ea, quae sunt fidei et legis evangelicae, peccet non credendo aut servando legem. Quod non, quia ex conclusione ignorantia invincibilis excusat a toto; habet autem talis ignorantiam invincibilem [...]. Sed in contrarium est illud Apostoli ad Hebr. 11: ‘Sine fide impossibile est placere Deo.’ Ad hoc respondet Alexander de Hales II, q. 129, m. 8 [...] Ex quibus satis patet Deum non deesse ulli hominum in necessariis ad salutem. [...] Per haec patet solutio rationis dubii, quia sine fide nemo salvatur. Et si non est qui hunc foris praedicat, interius Dominus illuminat.”

48 See n. 36, above.



pervasive coarseness and dullness. Consequently, *ignorantia crassa* among the American Indians would be rampant.

Although Biel's *ignorantia crassa* does not remove the guilt of wayfarers who act on the basis of it, their culpability is nonetheless diminished. Accordingly, religious instruction and education might very well be conceived as a better response to the Indian "sin" of unbelief than unrestrained conquest and war. This appears especially in harmony with Biel's thinking, for he argues that the distinction between belief and unbelief is not absolute, but varies according to the capabilities of the individual *viator*. Simple and uneducated believers, contrary to their better informed superiors, are not required, for instance, to have explicit faith in the finer points of Trinitarian theology. For them, it is sufficient to believe that God exists, that he remunerates the faithful, and that he is the mediator for, as well as the redeemer of, humankind.<sup>49</sup> Since these articles are rather vague and imprecise, it is not always easy, or even possible, to discern whether a particular individual meets his religious obligations. Under certain conditions, moreover, even false faith can be meritorious.<sup>50</sup> Thus,

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49 Biel, *Collectorium*, III, d. 25, q. un., a. 2, pp. 453-54: "Quinta conclusio: Ad quaedam particulariter credenda tenentur maiores, ad quae non tenentur qui in ecclesia sunt minores. [...] 'Deus nullum obligat ad impossibile.' Ideo minores et rudes non potentes capere sive distincte intelligere certos articulos, non tenentur eos explicite credere, quia nihil potest credi explicite nisi apprehensum per intellectum. Exempli gratia: Si aliquis fuerit ita rudis quod non possit concipere quid persona, quid natura, non est necesse, quod habeat actum explicitum de de articulo pertinente ad naturae unitatem et personarum Trinitatem distincte, sicut habent clerici litteratis. Sed sufficit sibi [...] fides grossa [...]. Quae autem sint illa, quae minores explicite credere tenentur? Particularius investigando, dico quod in genere tria colliguntur, scilicet quod Deus est, quod remunerator est, quod mediator est sive redemptor humani generis."

50 Ibid., a, 1, p. 448: "[...] si quis simplex et ineruditus audiret praelatum suum praedicare aliquod contrarium fidei, de quo tamen non tenetur habere fidem explicitam, facta inquisitione, quam potest et debet, putans hoc a praelato suo sic praedicatum esse creditum ab ecclesia, et ita captivaret intellectum suum, credendo illud propter Deum, putans hoc ecclesia credere, talis non solum non peccaret, sed etiam sic credendo falsum mereretur. Eliceret enim actum propter Deum ex caritate, quae omnia credit secundum Apostolum, licet crederet secundum conscientiam erroneam peccat, sed qui credit aut agit contra conscientiam culpabiliter erroneam. Invincibilis autem error, qui manet postquam conscientia tantam inquisitionem fecerat quantum tenebatur et debuit, culpam non habet."

it is quite conceivable that Biel's conclusions inspired restraint in those who eventually were to deal with the unbelief of the American Indians.

As we have now seen, Biel's thought largely follows the examples set by Scotus, Durandus, and Holcot. Like them, Biel stresses God's freedom and the contingency of his actions. Thus, there are other ways to salvation than strictly following of established Catholic praxis, and as a result, even learned theologians cannot infallibly distinguish infidels hopelessly stuck in idolatry and sin from the latter's worthier counterparts who follow an alternative path toward the ultimate goal of eternal life.

More specifically, Biel agrees with his aforementioned predecessors that the obligation to have explicit faith in Christian truths varies according to the education, intellectual capabilities, and station in life of the *viator*. Moreover, the possibility remains for human beings to suffer from invincible ignorance and thus be excused from obeying certain precepts. Although Biel has a more limited conception about just what *viatores* can be invincibly ignorant of than, had Holcot, for instance, Biel's notion of *ignorantia crassa* partly compensates for this difference. By not distinguishing only between culpable *ignorantia vincibilis* and inculpable *ignorantia invincibilis*, Biel accepts a species of vincible ignorance, namely *ignorantia crassa*, that relieves wayfarers, especially those who are coarse and unintelligent, from some guilt. Thus, Biel continues the late medieval trend toward greater religious toleration – even if this toleration is still strictly conditional, rather than absolute.<sup>51</sup>

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51 More specifically, while religious toleration is not yet seen as an ideal itself, religious authorities increasingly find *particular* reasons to promote it. Yet, in the perceived absence of such reasons, as was generally the case with e.g. the Jews (to whom, of course, invincible ignorance could not be ascribed), religious oppression often remained the preferred response. Cf. the discussion of medieval *tolerantia* in chapter 1, pp. 52-53, above.

### John Major

John Major, or Mair, was born ca. 1467 near Haddington in Scotland.<sup>52</sup> After attending school in that town, Major became a student at the University of Paris, where he eventually earned his doctorate in theology (1506). While at Paris, Major became an influential and renowned teacher. His lectures were attended by such diverse thinkers as Vitoria, Vives and Calvin. His *Sentences* commentaries were published from 1509 onwards in various editions and printings. In addition, Major wrote logical treatises, biblical commentaries and, most famously, a history of “Greater Britain” (*Historia maioris Britanniae tam Angliae quam Scotiae*). In 1518, Major returned to Scotland to become principal of the University of Glasgow. After another brief stay in Paris, he eventually ended his career as provost of St Salvator’s College at the University of St Andrews. Major died in 1550, aged about eighty-three.

In addition to his historical writings, Major is nowadays best known for having been the first scholar to apply the Aristotelian concept of “natural slavery” to the inhabitants of the recently discovered Americas. According to Major’s surprisingly brief remarks, the Indians, who lived “in a bestial manner,” could rightfully be classified as slaves by nature, “wherefore, the first person to conquer them, justly rules over them.”<sup>53</sup> But Major devotes no more than a few lines to the American natives.<sup>54</sup> For now, it is sufficient to focus on other aspects of his thought and to investigate *why* – as we may already surmise from his

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52 For an outline of Major’s biography see e.g. Alexander Broadie, “John Mair,” in Edward A. Malone ed., *British Rhetoricians and Logicians, 1500-1600. Second Series*. Dictionary of Literary Biography, vol 281 (Detroit, etc. 2003), 178-87.

53 See below, chapter 6, n. 32.

54 A fuller treatment of this topic has been reserved for chapter 6, below, pp. 250-52, below.

remarks on natural slavery – he did not see invincible ignorance as sufficient explanation for the Indians’ unbelief and primitive living conditions.

As for why Major devotes so little attention to the discovery of the Americas and its countless pagan inhabitants, we must keep in mind that when Major composed his *Sentences* commentaries it was not yet obvious that rather than belonging to the eastern fringes of Asia, the territories discovered by Columbus were part of a “New World.” Likewise, knowledge of the more advanced civilizations of Mexico and Peru had not yet reached Europe. As a result, the initial Iberian explorations in the Western Atlantic did not challenge any theological paradigm; and thus, were not particularly likely to be brought up by theologians in their scholarly discussions. Considering these facts, it appears that to vilify Major by contrasting his damning assessment of the American Indians with the seemingly more enlightened attitude of a later and considerably better informed scholar like Vitoria – as especially older Spanish historians have been wont to do – is not helpful.<sup>55</sup> The attendant inclination to paint Thomism, of which Vitoria was an adherent, as morally superior to Major’s nominalism is equally misplaced.<sup>56</sup>

Major’s thought betrays the influence of a great number of earlier scholars, most notably Scotus, Rimini, and even Aquinas.<sup>57</sup> For the purpose of our investigation, Rimini’s

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55 An especially egregious example is provided by Pedro Leturia’s “Major y Vitoria ante la conquista de America,” *Estudios eclesiasticos* 11 (1932), 44-82.

56 Ibid., esp. 74. This perceived moral superiority of Thomism is still implied in later studies, for instance in Thomas F. O’Meara, “The Dominican School of Salamanca and the Spanish Conquest of America,” *The Thomist* 56 (1992), 555-82: 570, where it is stated that the Salamancan Dominicans who defended the Indians “knew and argued against nominalist and Scotist positions.”

57 Scotus’ influence on Major is noted e.g. by Alexander Broadie, especially in his *The Shadow of Scotus: Philosophy and Faith in Pre-Reformation Scotland* (Edinburgh 1995). Thomas F. Torrance not only identifies Holcot as one source of inspiration in Major’s writings, but also remarks on the latter’s gradually increasing affinity with Aquinas. According to Torrance, Major attempted to reconcile the thought of the nominalist and realist schools. See his “1469-1969, la philosophie et la théologie de Jean Mair ou Major (1469-1550)” *Archives de*

influence is the most significant. Like the Doctor Authenticus before him, Major took particular pains to refute the “Pelagian error” that human beings are able to fulfill the divine precepts without the assistance of grace, and thus, may earn merit by natural means alone. As we may recall from the preceding chapter, Rimini had argued that without “special divine assistance” (*auxilium Dei speciale*) wayfarers are unable to perform morally good acts. Moreover, in the absence of any such supernatural help, every human act with an ethical component is necessarily sinful.<sup>58</sup>

Major appears to reach similar conclusions. He finds, for instance, that “no one is able to believe correctly, unless specifically called by God,” or, in the absence of the aforementioned *auxilium Dei speciale* to perform any morally good acts whatsoever.<sup>59</sup> Lacking this assistance, wayfarers cannot even sufficiently distinguish what is needed to lead a morally good life; and if, for argument’s sake, it is assumed that human beings *could* somehow learn what to do and what to avoid, they would still fail to conform their sinful wills to what their intellects would correctly dictate, unless they were assisted by God’s special help.<sup>60</sup>

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*philosophie* 32 (1969), 531-47; 33 (1970), 261-93, esp. vol. 32, p. 533. The influence of Rimini is noted by Joël Biard, “Major, John (1467-1550),” *Routledge Encyclopedia of Philosophy*, vol. 6 (London and New York, 1998), 54-56: 55; and more specifically in id., “La toute-puissance divine dans le *Commentaire des Sentences* de Jean Mair,” in Guido Canziani, Miguel A. Granada, and Yves Charles Zarka eds., *Potentia Dei. L’onnipotenza divina nel pensiero dei secoli XVI e XVII* (Milan 2000), 25-41, where Biard traces parallels between Rimini’s and Major’s thought regarding such diverse topics as God’s inability to deceive and the notion of infinity.

58 For Rimini’s position see chapter 3, pp.143-45, nn. 115-17, above.

59 John Major, *In secundum librum Sententiarum* (Paris 1519), d. 28, q. 1, fol. 121r: “Ponam aliquas conclusiones, quarum prima est: Nemo potest recte credere nisi specialiter a deo vocatus. [...] Secunda conclusio: Nemo potest elicere actum moraliter bonum sine dei speciali auxilio.”

60 Ibid., 121v-122r: “Tertia conclusio: Nemo sine ope dei speciali potest sufficienter cognoscere quid sit faciendum in his quae ad moralem vitam spectant. [...] Quarta conclusio: Dato quod intellectus recte dictet quid agendum vel vitandum fuerit, voluntas non potest conformare se tali dictato sine auxilio speciali.”

Yet despite these similarities to Rimini's thought, there are critical differences, too. The Doctor Authenticus had argued, for instance, that in the absence of prior divine assistance every human act is necessarily sinful. Major, however, disagrees with this position, which he ascribes to, among others, Rimini's anti-Pelagian forerunner Thomas Bradwardine.<sup>61</sup> While Major admits that the *auxilium Dei speciale* can be equated with divine grace, he nonetheless finds that "not every act performed in the absence of grace is a sin," and, in apparent contradiction to his earlier conclusions, that certain acts done *extra gratiam* are "wholly morally good."<sup>62</sup>

The seeming incongruity in Major's argument is solved by his distinction between "gratuitous" or "free" grace (*gratia gratis data*) and sanctifying grace (*gratia gratum faciens*). While the term "gratuitous grace" denotes the external and unrestricted assistance extended by a merciful God, "sanctifying grace" is a supernatural habit within human beings which is only possessed by the elect.<sup>63</sup> In a further clarification of his prior conclusions, Major thus finds that even though wayfarers are unable to perform morally good acts without the assistance of God's gratuitous grace, sanctifying grace is not necessary to act well.<sup>64</sup>

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61 Ibid., q. 2, fol. 125r: "Robertus Eliphattus <i.e. Robert of Halifax> dicit in prima distinctione primi: 'Quilibet actus factus extra gratiam est peccatum.' Idem tenuit Thomas Bradwardinus, ut Dionysius Cisterciensis in secundo <libro *Sententiarum*> recitat; Dionysius in 17. distinctione primi <libri> questione prima tenet quod nullum preceptum potest adimpleri sine gratia. Actus caritatis secundum eum distinguitur specie ab actu quolibet qui non elicitur a charitate. Propterea dixit: Si homo det elemosinam quando est extra charitatem peccat." Although Major does not ascribe this argument directly to Rimini, it nonetheless closely reflects the latter's reasoning. See chapter 3, pp. 143-45, nn. 114-17, above.

62 Ibid.: "Quia hec omnia falsa reputo, ponam aliquos conclusiones [...], quarum prima est: Non quilibet actus elicitus extra gratiam est peccatum. Secunda conclusio: aliquis actus elicitus extra gratiam est complete moraliter bonus."

63 See e.g. Alister E. McGrath, *Iustitia Dei: A History of the Christian Doctrine of Justification* (3rd ed.; Cambridge, etc. 2005), 131ff.

64 Major, *In secundum*, d. 28, q. 2, fol. 125r: "In questione precedenti locuti sumus quomodo auxilium dei speciale requiritur ad bene moraliter agere; quod auxilium speciale apud maiores communius vocabatur gratia

We may further deduce, moreover, that God extends his gratuitous grace to all *viatores* without exception. As mentioned earlier, Major argues that no individual is able to believe properly, “unless specifically called by God.”<sup>65</sup> Yet, Major had all but opened the first book of his *Sentences* commentary with the contention that while God “obligates us to believe,” he would never obligate individuals to do anything that would surpass their actual capabilities. Thus, Major concludes that wayfarers are wholly free to either believe, or not to believe.<sup>66</sup> This freedom, however, could only exist if God’s gratuitous grace would indeed be extended to all.

Major further argues that all human beings are held to believe in at least some aspects of established Christian doctrine. Presently, adult members of the Church must, at a minimum, possess a partial knowledge of Christ’s birth, passion, resurrection, and ascension, as well as some awareness of the Trinity and Christ’s bodily presence in the Eucharist. Ecclesiastical officials are held to an even higher standard: they must have explicit knowledge of all the articles of the faith and be capable of teaching the faith to their flocks.<sup>67</sup>

Not everyone, however, is held to believe as much. Pagans, for instance, are generally not required to have explicit faith in the advent of a divine mediator between God and fallen

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dei; et verum est. Potest dici [hac] gratia gratis data, cum deus suum auxilium gratis dat. [...] Nunc loquor in hac questione de gratia gratum faciente; et quero hunc questionis tituli an homo sine gratia gratum faciente potest implere precepta dei [...]” Major’s answers to this question have already been listed in n. 62, above.

65 See n. 59, above

66 John Major, *In primum Sententiarum* (Paris 1519), prolog., fol. 1v: “Rursus cum deus obliget ad credendum et non obliget nos ad illud quod transcendit vires nostras, liberum erit credere et non credere [...]”

67 John Major, *Super tertium Sententiarum* (Paris 1517), d. 25, q. 1, fol. 59v: “Quarta conclusio: Omnes adulti ecclesie tempore legis gratie tenentur scire explicite illa que publicantur eis in ecclesia de articulis fidei; utpote hec communia de nativitate Christi, passione, resurrectione, et ascensione, testimonio trinitatis et corpore Christi in Eucharistia contento. [...] Quinta conclusio: non omnes adulti, hoc est vulgares, tenentur scire omnia contenta in fide explicite. [...] Sexta conclusio: prelati ecclesie tenentur omnes articulos fidei scire explicite; et oves subiectas in fide et moribus docere [...]”

humankind. Nonetheless, all adult human beings who are capable of “using their reason” are held to believe explicitly that one must worship God, “because he exists,” and that God remunerates his faithful. “Any adult gentile,” Major finds, “is obligated to at least believe in these two things.”<sup>68</sup>

Since God, in order to ensure that no human beings are required to follow a precept that surpasses their abilities, extends his gratuitous grace to every single individual, all *viatores*, whether Christian or not, must necessarily be capable of acquiring this minimum amount of faith. If, therefore, one does not have it – as is evidently the case with the Indian “idolaters” – no further excuse can be offered. Even the concept of invincible ignorance provides no defense against the charge of complete unbelief. Any ignorance that would potentially prohibit the wayfarer from worshipping the “one true God” would, as a matter of course, be removed by the latter’s unrestricted *gratia gratis data*.

Similarly, Major allows no excuses for human ignorance of the natural law. The law of nature is “more universal, more ancient, and more resistant to dispensations,” he writes, than either the divine or human law. Moreover, this law is evidently known and is identical among all nations.<sup>69</sup> Accordingly, those parts of the Mosaic law which reflect the law of nature are to be obeyed by Jews and gentiles alike, even though the latter received no special revelations regarding the precepts of the natural law.<sup>70</sup>

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68 Ibid.: “[...] pono conclusiones, quarum prima est: Semper ab orbe condito quilibet adultus ratione utens tenebatur assentire explicite aliquibus credibilibus. [...] Credere enim oportet accedentem ad deum quia est; et inquirentibus se remunerator sit. Quilibet adultus gentilis tenebat ad minus assentire his duabus.”

69 Ibid., d. 37, q. 3, fols. 118v-19r: “[...] lex naturalis est universalior, antiquior, et indispensabilior aliis duabus legibus. [...] Lex nature nature in in omni gente est eadem. [...] lex nature nichil aliud est quam principium practicum evidens ex terminis.”

70 Ibid., q. 5, fol. 120r: “[...] pono tres conclusiones, quarum prima est: Lex Moysaica quantum ad illa que erant de lege nature obligabat omnes. Secunda conclusio: Lex Moysaica quantum ad positiva divina solos iudeos obligabat.”



Speaking of the Decalogue as a particular example of natural law precepts and prohibitions, Major finds that God only has a limited ability to offer dispensations, thus further stressing the inescapable character of the commandments of the *lex naturalis*. Although God is certainly capable of interpreting and further clarifying the Decalogue, there are also “many precepts” among the Ten Commandments from which God cannot offer dispensation. The Decalogue, Major finds, specifically prohibits a number of actions which are intrinsically evil and therefore necessarily sinful if committed “by any rational creature.” Idolatry, blasphemy, (covert) theft, and adultery are listed as examples of such intrinsically evil acts.<sup>71</sup>

Despite these limitations, God is able to provide dispensations from the Decalogue whenever the evil that a particular commandment aims to contain may be otherwise removed from an act. For instance, Abraham rightfully obeyed God in attempting to kill his son Isaac, because God, being the supreme lord over life and death, could licitly command the slaying of even the innocent. Additionally, God knew very well that Isaac would not actually be killed.<sup>72</sup> This particular dispensation, however, depended upon a direct divine command. In the absence of such explicit permission, human beings, we may assume, are

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71 Ibid., q. 10, 123v: “[...] pono conclusiones, quarum prima est: Deus potest dispensare circa precepta decalogi late capiendo dispensatione. Patet: potest declarare in quo sensu lex sua est intelligenda. Ergo potest eam interpretari; et hoc sufficit ad dispensatione late acceptam. [...] Secunda conclusio: Multa sunt precepta decalogi in quibus deus non potest dispensare – hic proprie capio dispensare, et extendo ad prohibitiones. Probatur hec conclusio: Aliqua sunt precepta decalogi per se mala que non possunt bene fieri a creatura rationali. In talibus deus non potest dispensare, igitur. Maior patet de oppositis duorum preceptorum prime tabule, ut de colendis pluribus diis et de iuramento vano per deum. Idem patet de aliquibus preceptis secunde tabule, ut furto, mechia.”

72 Ibid, 123v-124r: “Tertia conclusio: In aliquibus preceptis, tam prime quam secunde tabule, deus potest dispensare. Probatur: Aliqua sunt precepta a quibus potest tolli malicia secluso precepto. [...] Deus potest precipere forti occidere innocentem scitum esse talem nondum probatum aliquo modo nocentem, quia ita precepit Abrahe; et Abraham putavit hoc fore licitum, et hoc facere voluit precipiente domino. Et sic Sampson occidit seipsem, iudicium rui, deo dispensante qui est autor vite et mortis.”

not free to take these liberties, if for no other reason than that different rules apply to a creator than to his creatures.

According to Major, then, the law of nature, and more particularly the Decalogue, must – with only very few exceptions – be obeyed by all. God’s ability to provide dispensation from its precepts is both limited and generally unnecessary, as the natural law may be evidently known by all rational individuals. Consequently, Major holds that there is minimum set of obligations that every *viator* ought to know and to fulfill. The American Indians, who had been reported to engage in idolatry and cannibalism, had obviously failed to do so. Their “crimes” were so egregious, moreover, that invincible ignorance could neither explain, nor excuse it.

Yet, Major’s discussion of the concept of ignorance, invincible or otherwise, is not entirely devoid of interest. Major, like Biel before him, distinguishes between *ignorantia invincibilis*, *ignorantia crassa*, and *ignorantia affectata*.<sup>73</sup> In fact, his discussion is so similar to Biel’s that we need not go into further detail: it is sufficient to restate that invincible ignorance excuses completely, that “coarse” ignorance partially diminishes one’s guilt, and that willful ignorance increases it.

At this point, it may be useful to recall our discussion of Aristotle’s concept of the natural slave, as outlined in the first chapter.<sup>74</sup> According to the Philosopher, natural slaves are equated with barbarians and their defining quality is a lack of reason. Similarly, Major had written of the American Indians that they live “bestially,” i.e., in a manner contrary to what is proper to rational beings. Although Major fails to mention it explicitly – and we are

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<sup>73</sup> See: Major, *In secundum*, d. 22, q. 2, fol. 90r-91r.

<sup>74</sup> See chapter 1, pp. 17-18, above.

therefore to some extent forced to speculate – it seems reasonable to assume that he saw the American natives as suffering from *ignorantia crassa*. We may furthermore remember that Aristotle had maintained that natural slavery was beneficial to both master and slave, since the latter could indirectly partake in the former's superior rationality. In theory, then, natural slavery is not only about exploitation, but also about education. Again, it is hardly far-fetched to suppose that Major shared this assumption.

To briefly anticipate what will receive a more detailed treatment below, it is likely that Vitoria *also* believed that the American natives were natural slaves. At the very least, it appears that our Salamancan seriously entertained this possibility. It must be noted, however, that his conception of natural slavery was vastly more benign than Aristotle's.<sup>75</sup> If – as is more likely than not – we accept that Vitoria saw the Indians as natural slaves, we must above all keep in mind that the primary purpose of this natural servitude was to allow them to be educated and civilized.

Whereas Major and Vitoria may so far have been in almost perfect agreement, there exists one critical disagreement between them. Based on our preceding discussion, we must conclude that Major believed that the Indians were to be raised from a state of partially culpable *ignorantia crassa*, while Vitoria, as we will subsequently see, maintained that proper education would make the American natives emerge from a state of guiltless *ignorantia invincibilis*. Thus, in so far as it is correct to conclude that the Thomist Vitoria was more enlightened and sympathetic to the Indians' plight than the nominalist theologian Major, we must recognize that this distinction rests on the former's broader and more inclusive conception of invincible ignorance. Moreover, as Aquinas deemed invincible ignorance

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<sup>75</sup> See chapter 6, pp. 253-56, below.

regarding God's existence and the basics of Christian doctrine to be impossible, it was certainly not Vitoria's Thomism which had caused him to be a more open-minded and tolerant scholar than Major.

### Thomas Cajetan

That significant differences existed between the thought of Aquinas and sixteenth-century Thomism is further illustrated by the case of Thomas Cajetan.<sup>76</sup> Born in his namesake city of Gaeta in 1469, Cajetan was the fourth son of a family belonging to the lower nobility of the Kingdom of Naples.<sup>77</sup> In 1484 Cajetan entered the Dominican Order, at which time he exchanged his baptismal name of Giacomo (James) for Tommaso (Thomas). After his initial studies in Naples and Bologna, Cajetan enrolled at the University of Padua to complete his theological training. Although he naturally defended Thomist doctrines during public academic disputes, Cajetan appears to have incorporated elements of Scotist thought into his own teachings. Jared Wicks observes that "Cajetan's Paduan debates with Scotism appear to have caused his own articulation of Thomist positions to be couched in concepts more closely approximating certain views of his adversaries than the authentic thought of the master he professed to follow."<sup>78</sup>

Cajetan was influenced, furthermore, by the distinct Paduan tradition of Aristotelianism of which Pietro Pomponazzi, eventual teacher of Sepúlveda, would soon

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<sup>76</sup> Some significant theological differences between early modern Thomism and Aquinas are listed in Otto Pesch, "Thomismus," in *Lexikon für Theologie und Kirche*, vol. 10 (2nd ed.; Freiburg im Breisgau 1965), 157-67: 163-65.

<sup>77</sup> For Cajetan's biography (including references to older studies) see e.g. Jared Wicks, *Cajetan Responds: A Reader in Reformation Controversy* (Washington DC 1978), 3-42.

<sup>78</sup> *Ibid.*, 4.

become a notable representative. Assisted by a superior Latin translation, Cajetan correctly disputed – against the scholarly consensus – that Aristotle in his *De anima* had demonstrated the immortality of the soul. As a result, his fellow Dominican Bartholomaeus Spina accused Cajetan of having been ultimately responsible for Pomponazzi’s subsequent “harmful” rejection of any philosophical proof for this theological dogma.<sup>79</sup>

In the meantime, Cajetan’s career was turning into a spectacular success. Between 1507 and 1520, he completed his commentary on the *Summa theologiae*; from 1508 to 1518 he served as the Master General of the Dominican Order; he became a cardinal in 1517. A year later, Cajetan was appointed as the papal legate to the imperial Diet in Augsburg, where he attempted to convince Luther to recant what his theological opponents considered his increasingly heretical views. During the next decade, however, Cajetan’s political influence waned. He wrote a number of biblical commentaries, which were censured in 1544 by the Parisian theological faculty for casting doubt on certain long-established textual interpretations. Yet this rebuke could hardly have stung, as Cajetan had already died a full decade earlier, in August 1534.

Modern historians generally consider Cajetan one of the foremost representatives of the sixteenth-century Thomist school. Soon after his death, he acquired the reputation of having been a second Thomas (*alter Thomas*).<sup>80</sup> Salamancan Thomists, such as Vitoria and Domingo de Soto, cited him frequently. According to Klaus Obenauer, the favorable reception of Cajetan’s thought in Salamancan circles was what led to his reputation as a great

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<sup>79</sup> Ibid., 5.

<sup>80</sup> Denis R. Janz, *Luther and Late Medieval Thomism: A Study in Theological Anthropology* (Waterloo, Ontario 1983), 123.

follower of Aquinas.<sup>81</sup> By the end of the nineteenth century, Cajetan's Thomist credentials were considered so impressive that his commentary on the *Summa theologiae* was accorded "official" status and included in the Leonine edition of Aquinas' *magnum opus*.<sup>82</sup>

Yet, as Denis Janz has argued, there have been persistent doubts regarding Cajetan's faithfulness to Aquinas, both among contemporary and modern authors.<sup>83</sup> Janz himself, for instance, maintains that "Cajetan is far more generous [than Thomas] in the capacities he allows to fallen man."<sup>84</sup> Before we examine this point, however, it is important to appreciate that Cajetan not only appropriates certain Scotist approaches and concepts, but also appears to deviate from Aquinas when it comes to assessing whether those fallen individuals who have to make do without any supernatural assistance, such as divine illumination or the sacraments, could perform morally good acts.

If Obenauer is correct in his conclusion that the Salamancan Thomists read Aquinas as interpreted by Cajetan, then doubts must arise regarding the faithfulness of Vitoria and his followers to the teachings of the Doctor Angelicus.<sup>85</sup> We may, for instance, surmise that the Salamancans, even if only indirectly, felt the influence of Scotus and that they would possess a more positive view than had Aquinas of those unfortunate souls who, through no fault of

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81 Klaus Obenauer, "Thomismus," in: *Lexikon für Theologie und Kirche*, vol. 9 (Freiburg, etc. 2000), 1517-22: 1518-19.

82 Thomas Cajetan, *Summa theologiae cum commentariis Thomae de Vio Caietani Ordinis Praedicatorum*, in Thomas Aquinas, *Opera Omnia*, iussu impensaue Leonis XIII P.M., vols 4-12 (Rome 1888-1906).

83 Janz, *Luther and Late Medieval Thomism*, 123-24. Cf. id., "Cajetan: A Thomist Reformer?" *Renaissance and Reformation* New Series 6 (1982), 94-102.

84 Janz, *Luther and Late Medieval Thomism*, 138; id., "Cajetan: A Thomist Reformer?" 97.

85 It is in any case true that Vitoria, for example, often cites Cajetan, while hardly ever mentioning the "Prince of the Thomists," John Capreolus. According to Janz, Capreolus not only had a considerably more pessimistic view of fallen humankind, but, in this regard, was also more faithful to the mature Thomas than was Cajetan. See Janz, *Luther and Late Medieval Thomism*, esp. 154-56.

their own, had been forced to live outside the terrestrial Church. In a later chapter, we will see that these assumptions are indeed correct.<sup>86</sup> Hence, even though Cajetan does not explicitly mention the American Indians in his commentary on the *Summa theologiae*, his subsequent influence on the school of Salamanca warrants his inclusion in this study.<sup>87</sup>

That Cajetan was relatively optimistic concerning the abilities of fallen humankind, is further confirmed by Wicks: “in the Renaissance religious dialectic of dignity and misery,” he writes, “Cajetan’s preaching comes down ultimately on the side of dignity.”<sup>88</sup> In the next few paragraphs, we will not only investigate the specific reasons for Cajetan’s optimism, but also explore its importance with regard to later discussions of the moral condition of the American Indians.

Cajetan expresses his hopeful confidence when treating the question whether fallen human beings are able to perform morally good acts.<sup>89</sup> In resolving this problem, he finds himself arguing mainly against Gregory of Rimini, who had maintained that every moral act performed in the absence of God’s *auxilium speciale* is morally evil.<sup>90</sup> Cajetan himself comes

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<sup>86</sup> See chapter 6, below.

<sup>87</sup> Cajetan does, however, briefly discuss the question whether without sin plunder can be taken from those infidels who are not rightfully subject to Christian dominion. Even though the American Indians are not mentioned, his discussion is applicable to them. See: Thomas M. Izbicki, “Cajetan on the Acquisition of Stolen Goods in the Old and New Worlds,” *Rivista di storia del cristianesimo* 4 (2007), 499-509, esp. 505-6.

<sup>88</sup> Jared Wicks, “Thomism Between Renaissance and Reformation: the Case of Cajetan,” *Archiv für Reformationsgeschichte* 68 (1977), 9-32: 24; cf. p. 20: “Cajetan transposed the Renaissance celebration of man’s abilities into a Thomist explanatory framework [...]”

<sup>89</sup> The following paragraphs rely heavily on Janz, *Luther and Late Medieval Thomism*, 123-53, esp. 126-39.

<sup>90</sup> Cajetan, *Summa theologiae cum commentariis Thomae de Vio Caietani*, I-II, q. 109, a. 2, 11-13, p. 293: “In eodem secundo articulo quaestionis centesmaenonae, dubium occurrit ad hominem, et simpliciter. Ad hominem quidem an Auctor intendat quod homo in statu naturae corruptae non possit moraliter bonum ex propriis naturalibus facere. [...] Simpliciter autem dubium est quid tenendum sit de hac quaestione: scilicet an homo in statu isto possit per sua naturalia facere actum moraliter bonum. Gregorius siquidem de Arimino, in loco

to a different conclusion: human beings, despite their fallen and corrupted natures, are able to perform *some* morally good acts by natural means alone (*per sua naturalia*), even if they require divine assistance to do everything that is required of them. Our cardinal-to-be furthermore maintains that this finding accurately reflects the teachings of Aquinas.<sup>91</sup>

Other late medieval Thomists, among whom John Capreolus (ca. 1380-1444), also known as the “Prince of the Thomists,” is most notable, reached different conclusions on what constituted Aquinas’ actual position.<sup>92</sup> Cajetan admits, moreover, that certain *Thomistae* have maintained that Rimini’s and Aquinas’ negative assessments of the wayfarer’s unassisted abilities were essentially in agreement – as Rimini himself believed.<sup>93</sup> Although it is now obviously not possible to establish whether Cajetan or Capreolus captured Aquinas’ “true intention,” a close reading of other passages, both in Aquinas’ *Summa theologiae* and his coeval Pauline commentaries, suggests that Capreolus, and perhaps even Rimini, reproduced the position of the Doctor Angelicus more faithfully than did Cajetan.<sup>94</sup>

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allegato, tenet partem negativam, ex multis auctoritatibus, et una ratione potissime.” For Rimini’s argument, see chapter 3, pp. 143-45, above.

91 Ibid., 15, 294: “Ad evidentiam huius difficultatis, non intendo aliunde quam ex Auctoris officina simul afferre quid simpliciter, et secundum Doctorem sanctum, tenendum est. Dicendum igitur est quod homo in statu naturae corruptae, potest per sua naturalia, quantum est ex sufficientia operativae virtutis, operari aliquod opus moraliter bonum, licet non possit suum universum moraliter bonum facere.”

92 See Janz, *Luther and Late Medieval Thomism*, 74-81, 135.

93 Cajetan, *Summa theologiae cum commentariis Thomae de Vio Caietani*, I-II, q. 109, a. 2, 12, p. 293: “[...] Gregorius de Arimino, in loco allegato [2 Sent., d. 26-28, q. 1, a. 1, concl. 1.], asserens s. Thomam in hoc et sequentibus articulis duobus hoc sentire. Non desunt quoque Thomistae id firmantes.” Cf. Rimini, *Lectura*, 2, 26-28, q. 1, a. 1 (VI, 46). To bolster his conclusion that in the absence of God’s *auxilium speciale* human beings are unable to perform any morally good act, Rimini writes: “Item sanctus Thomas expresse hanc sententiam ponit in Prima Secundae quaestione 109 articulo 2, item articulo 3, item articulo 4, item articulo 6.”

94 Janz, *Luther and Late Medieval Thomism*, 46-48. Although it is obvious that Aquinas held that human beings require “divine help” (*auxilium divinum*) to act well, it is unclear whether this entails more than the divine help which is required *ad cogitandum quodcumque*. Since we may assume that human beings are able to use their reason *per sua naturalia*, this particular help is, as it were, an ever-present part of created nature. See: *Summa theologiae*, I-II, q. 109, a. 2; cf. *ibid.* a. 1, ad 3.



It is important to note, however, that one cannot always identify unassailably the “best” Thomist among all those who professed to follow the Angelic Doctor. Between the thirteenth and early sixteenth centuries, theological notions and concepts had become much more precise and technical; as a result, the language that was used by Aquinas became, on occasion, hopelessly ambiguous. This author, at least, believes that, depending on which particular passage of the *Summa theologiae* is cited, Cajetan’s interpretation of Aquinas is as probable as Rimini’s, if not more so.<sup>95</sup> What is critical, therefore, is not so much the *Summa theologiae*’s “true meaning,” but rather the fact that Cajetan, armed with the theological vocabulary of his day, chose to interpret Aquinas more optimistically than either Rimini or Capreolus had done; we should further recognize that Cajetan thereby set a precedent that was subsequently followed by the Dominican theologians of the School of Salamanca.

At first sight, Cajetan’s conviction that human beings are able to perform morally good acts by natural means alone does not appear to have significant consequences. Although *viatores* who lack sanctifying grace may perform morally good acts, these acts, Cajetan contends, are not meritorious in themselves; and thus, will not lead to eternal life.<sup>96</sup> Cajetan furthermore makes clear that wayfarers, in any case, cannot fulfill *all* their obligations and, likewise, that except through the grace of God, *viatores* cannot avoid committing at least

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95 If we were to apply Major’s terminology, we might say that Rimini required sanctifying grace to act well, while Aquinas only required gratuitous grace. Yet, Aquinas’ “gratuitous grace” was sufficiently gratuitous as almost to become a part of nature; hence, Cajetan’s conclusion. See. n. 94, immediately above.

96 The authorities cited by Rimini to support his position that human beings require divine assistance to act well (see n. 90, above), were, according to Cajetan, specifically discussing the need for divine assistance for performing meritorious, rather than simply “good” acts. See: Cajetan, *Summa theologiae cum commentariis Thomae de Vio Caietani*, I-II, q. 109, a. 2, 13, p. 293: “Ita quod, quantum ad praesentem spectat articulum, praeter auctoritates, quae una glossa sunt contentae: scilicet quod loquuntur de bono actu reddente hominem bonum simpliciter in ordine ad vitam aeternam, et non de bono pure morali infra limites naturae [...]” Cf. *ibid.*, 16, 294: “Haec via media, ut patet, est quam in littera Auctor determinat. Unde non dicit quod in statu naturae corruptae nullum opus morale potest, sed dicit quod ‘non potest totum huiusmodi bonum per sua naturalia implere;’ et replicat, ‘non tamen totum bonum sibi connaturale, ita quod in nullo deficiat.’”

some mortal sins.<sup>97</sup> Earlier authors such as Durandus and Holcot, had maintained that even if wayfarers could not earn merit and gain eternal life without special divine assistance, they could at least prepare themselves for the reception of grace by performing morally good acts *per sua naturalia*. Is this, then, the reason why human beings possess the ability to act well through natural means alone? Although Cajetan responds to this question by arguing *against* Durandus, he nonetheless manages to provide an affirmative answer: wayfarers are to employ their natural abilities to position themselves for the reception of grace.<sup>98</sup>

To clarify his argument, Cajetan provides the example of a battle. Although it is beyond the capabilities of an ordinary soldier to plan for victory – this, after all, is the task of the commanding general – he must nonetheless fight as hard as he can to actually make that victory happen. Likewise, while *viatores* are helpless to prepare themselves for the reception of grace and must rely on God for this, God in turn will not even “plan for victory” (let alone provide it) unless the wayfarer does his utmost “by his own power.”<sup>99</sup>

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97 For the first point see n. 91, above; for the second see: Cajetan, *Summa theologiae cum commentariis Thomae de Vio Caietani*, I-II, q. 109, a. 8, 10, p. 305: “[...] sequitur quod homo in peccato mortali existens, nisi per gratiam Dei reparetur, impotens est ad vitandum peccatum mortale.”

98 Cajetan, *Summa theologiae cum commentariis Thomae de Vio Caietani*, I-II, q. 109, a. 6, 1-2, p. 300: “In articulo sexto eiusdem centesimanonae questionis, dubium occurrit ex Durando, in II *Sent.*, dist. XXVIII, qu. I, art. ult., duplex: alterum contra conclusionem; alterum contra rationem in littera allatam. Contra conclusionem quidem, quia homo potest, absque speciali Dei adiutorio, per sua naturalia operari opus moraliter bonum. Ergo potest praeparare se ad gratiam. [...] Contra rationem vero, quia propositio ‘Soliis primi agentis est praeparare ad ultimum finem’ est falsa. Quoniam licet perducere ad ultimum finem sit ipsius solius, disponere tamen ad illum potest inferioris agentis. [...] Et sic est in propositio, quod licet solus Deus det gratiam, homo tamen disponere se potest ad gratiam virtute propria.”

99 *Ibid.*, 3: “Sed quod multos fallit, est quia non distinguunt inter disponere seu praeparare ad finem formaliter, et materialiter. Disponere ad victoriam formaliter, est pugnare cum intentione operandi ad victoriam: disponere materialiter ad victoriam, est pugnare tantum. Inter militem autem pignantem tantum, et pignantem cum illa intentione, manifesta est differentia quod ille non intendit finem ultimum, quamvis pugna sua ab alio ordinetur ab hoc; iste autem ad finem ultimum respicit. Et propterea iste pugnat ut movens motum a primo duce; ille ut motum tantum.”

At this point, it is instructive to compare Cajetan's argument, first with a more straightforward reading of Aquinas' *Summa theologiae*; and second, with Aquinas as interpreted by Rimini and Capreolus. According to the text of the *Summa*, individuals require "a certain gratuitous divine assistance" that "moves the soul inward or inspires the good intention," to prepare themselves for grace.<sup>100</sup> This freely given help – mentioned in an earlier part of the same question – is apparently the same gift that Aquinas deemed indispensable for any cogitation whatsoever.<sup>101</sup> The Doctor Angelicus mentions no other requirement.

As a result, the wayfarer's preparation for grace consists solely of being "moved" or "converted" by God, albeit sometimes indirectly through secondary causes. Presumably, *viatores* do little more than either provide or withhold their assent to these "movements."<sup>102</sup> Consequently, wayfarers appear to have only two options. They can choose to accept the very same divine help that directs the human thought process in its proper direction, or they can decide to reject this assistance. Yet, in the first case there is precious little opportunity for the *viator* to suffer from invincible ignorance, while in the second one's ignorance would be culpable and hence could not be invincible.

Capreolus' view of the wayfarer's preparation for grace appears to be similar to the position of Aquinas. Unassisted, "natural" human actions play no part in the process of preparing for grace as *viatores* cannot achieve any moral good whatsoever unless they are

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100 Aquinas, *Summa theologiae* I-II, q. 109, a. 6: "[...] aliquod auxilium gratuitum Dei interius animam moventis, sive inspirantis bonum propositum."

101 Ibid., a. 1, ad 3: "[...] semper indigemus divino auxilio ad cogitandum quodcumque [...]" Cf. *ibid.*, a. 6, ad 2: "[...] nihil homo potest facere nisi a Deo moveatur [...]"

102 Ibid., a. 6: "Quod autem ad hoc indigeamus auxilio Dei moventis, manifestum est. [...] Et ideo, cum secundum ordinem agentium sive moventium sit ordo finum, necesse est quod ad ultimum finem convertatur homo per motionem primi moventis, ad finem autem proximum per motionem alicuius inferiorum moventium: sicut animus militis convertitur ad quaerendum victoriam ex motione ducis exercitus, ad sequendum autem vexillum alicuius aciei ex motione tribuni."

provided with a special (but freely given) divine assistance. This “special [or individual] assistance,” however, is distinct from sanctifying grace.<sup>103</sup> Rimini, in contrast, seems to have conflated the two.<sup>104</sup> According to his reading of Aquinas, the *viator* lacks even the power to accept or reject divine grace. To some, it is not offered; others will accept it as a matter of course.<sup>105</sup>

We may now conclude that Cajetan assigned a much more active role to the wayfarer in the eventual reception of grace than had Aquinas, Capreolus, or Rimini. Contrary to those theologians, Cajetan required from every *viator* an initial effort *per sua naturalia*, unaided by any supernatural assistance. Yet precisely because these initial efforts are unassisted, they may result in disparate, or even misguided, beliefs. Moreover, because human beings must find their own, unaided way in a messy world of particular phenomena rather than universal principles, individuals must rely on “practical” instead of “scientific” reason.<sup>106</sup> As practical, i.e. prudential, reasoning is fallible, worthy individuals may guiltlessly err – if only for the limited time prior to the reception of further divine assistance and enlightenment. In other words, in Cajetan’s understanding of the path that every *viator* must take there is much room for invincible ignorance. Cajetan finds that wayfarers are neither “always,” nor

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103 Janz, *Luther and Late Medieval Thomism*, 77, 84-86, esp. nn. 86, 116.

104 Rimini explicitly contrasts the *auxilium dei speciale* with the *dei generale influenza*. See e.g. Rimini, *Lectura*, 2, 26-28, q. 1, a. 1 (VI, 24): “Quo praemisso volo tres conclusiones probare, quarum prima est quod nullus homo in statu praesenti, dei etiam generali influenza stante, potest absque speciali auxilio eius agere aliquem actum moraliter bonum.” Furthermore, Rimini contends that the key to predestination or reprobation is not whether *viatores* have committed good works, but whether they have been “called.” See Rimini, *Lectura*, 1, d. 40-41, q. 1, a. 2 (3, 338): “[...] non ex operibus, sed ex vocante [...].” Since the *auxilium dei speciale* is “special” instead of “general,” it may be understood as a sign of God’s calling. Cf. *ibid.*, a. 1, p. 322: “Quos autem praedestinavit, hos et vocavit, et quos vocavit, hos et iustificavit, quos autem iustificavit, illos et magnificavit” (Rom 8:30).

105 See Rimini’s quotation of Romans 8:30 in n. 104, immediately, above.

106 Cf. chapter 2, pp. 96-97, above.

“immediately,” required to love God explicitly as the final cause of nature and the universe, because of the great difficulties involved with knowing him through natural means alone.<sup>107</sup>

Although there are additional points of agreement between Cajetan and the Scotist theological tradition as described in the previous chapters, none is as critical as the issue just mentioned. Cajetan’s assertion that unassisted *viatores* could temporarily fail to know and love God explicitly, *without incurring any guilt*, buttressed Vitoria’s subsequent argument that the American Indians should not be punished for their unbelief.<sup>108</sup> It is furthermore significant that Cajetan arrived at his conclusion by accepting Durandus’ premise that wayfarers’ unaided efforts are crucial for the eventual reception of grace. While it is genuinely unclear whether Cajetan’s views on this point contradict the letter of the *Summa theologiae* as a whole, there can be little doubt that they disagree with its spirit.

### Conclusion

Having arrived at the end of the second part of this study, we must briefly look ahead and point out how the preceding chapters are relevant to what follows. We will find that early modern scholasticism was heavily influenced by the thought of the nominalist (in the broad sense of the word) scholars discussed above. This influence was experienced even by certain Thomist theologians, especially regarding topics such as invincible ignorance and the culpability of involuntary unbelief.

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<sup>107</sup> Cajetan, *Summa theologiae cum commentariis Thomae de Vio Caietani*, II-II, q. 10, a. 4, p. 83: “[...] ad diligendum Deum explicite ut finem naturae seu universi homo non tenetur semper, cum sit affirmativum: nec statim, quia non prius tenetur ad explicite diligendum quam ad explicite cognoscendum, constat autem quod post multum temporis advenit homini haec cognitio, naturaliter loquendo.”

<sup>108</sup> Vitoria in his *De eo ad quod tenetur homo cum primum venit ad usum rationis* explicitly refers to the passage cited in n. 107, immediately above. See chapter 6, n. 119, below.

Thus, in the context of this study, the traditional distinctions made by intellectual historians between realism and nominalism (in the narrow sense of the word), between *via antiqua* and *via moderna*, or among Thomism, Scotism and Nominalism are not helpful. Instead, we may more fruitfully distinguish between theologians who saw the preparation for the reception of grace as mostly a passive, divinely assisted event (e.g. Aquinas, Rimini, and Major) and those who saw it as a more active, gradual, and unaided process (e.g. Scotus, Durandus, Holcot, Biel, and Cajetan). Only in the latter case does room exist for a significant (but not necessarily identical<sup>109</sup>) degree of invincible ignorance and guiltless error. This, then – in addition to God’s ability to uphold more than one “set” of moral obligations simultaneously – is the intellectual foundation upon which later scholars such as Bartolomé de Las Casas and Francisco de Vitoria based their conclusions that the American Indians, despite unmistakably being unbelievers and idolaters, suffered from *invincible* ignorance; and therefore should *not* be punished by unrestrained conquest, enslavement, and war.

On a concluding note, we may also observe that even those fourteenth- and fifteenth-century theologians who were quite willing to excuse certain *viatores* for their unbelief, nonetheless denied as a rule that it was licitly possible to remain ignorant of the basic precepts of the natural law. Thus, Las Casas’ later attempts to excuse the Indian practice of human sacrifice on account of invincible ignorance appear – despite the prior theoretical openings offered by Scotus – to have had no *actual* medieval precedent.<sup>110</sup> Not until several decades after the discovery of the New World did Europeans start to suspect

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109 Holcot and Durandus, for instance, are much more generous than e.g. Biel.

110 See chapter 5, pp. 231-33, below.

that well-intentioned individuals could sincerely disagree about the very basics of human ethics and morality.

PART III:

FROM THEORY TO PRACTICE: SPANIARDS AND INDIANS



## CHAPTER 5

### PUBLIC CONTROVERSY

In this chapter we will investigate the more practical consequences of the late medieval theological notion of invincible ignorance. By the early sixteenth century this concept had undergone several dramatic developments. Yet, it was not until the Spanish encounter with the American Indians that the real-life implications of these shifts became increasingly noticeable beyond the realm of academic discourse. Two factors were responsible. First, the discovery of the Americas added a “New World” to the regions European geographers already knew to exist. Although much of Africa and Asia remained unknown to Europeans, they were nonetheless familiar with the existence of these continents. The presence of the Americas, by contrast, had never been suspected. This New World, moreover, was inhabited by millions of individuals who, it was eventually decided, never had been exposed to Christian preaching, nor, practically speaking, could have ever hoped to seek out a suitable teacher to inform themselves of the existence and benevolence of the Christian God.<sup>1</sup> In contrast, both Asians and Africans possessed at least a theoretical choice to heed the rumors they may have picked up about the Christian faith, or, driven by internal illumination or some other impulse, to travel far enough to encounter representatives of “the one true faith.” Only after the sighting of the Pacific Ocean in 1513 by Vasco Núñez de Balboa and especially after the arrival in Spain of the remnants of Magellan’s expedition in 1522 did it become clear that the Americas were not a hitherto unknown part of Asia; and hence it became significantly more difficult to argue that the

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<sup>1</sup> For a more extensive discussion of this issue see below, chapter 6, pp. 244-50.

Indians' ignorance of Christianity was not invincible. In effect, the geographical discoveries of the 1510's and 1520's offered important support for the theological contention that under certain circumstances one could be invincibly – and thereby excusably – ignorant of what Christianity had revealed to be good and just.

A second factor which contributed to giving the notion of invincible ignorance currency in the halls of power, as well as in the classroom, was the fact that on several occasions monarchs such as Charles V and Philip II felt obligated, sometimes unwillingly, to take into account the opinions of their theologians. Francisco de Vitoria, who from 1526 until his death in 1546 occupied the Prime Chair of Theology (named after the corresponding liturgical hour) at the University of Salamanca, held a position comparable in political influence to the chancellorship of the University of Paris. This appointment, however, did not succeed, it seems, in shielding him from Charles V's ire, who may have felt that Vitoria's arguments, as put forward in the latter's *De Indis* and *De jure belli*, cast needless clouds over the legitimacy of Spain's overseas conquests. Consequently, in 1539 an imperial letter arrived, demanding that Vitoria (or possibly somebody else altogether<sup>2</sup>) would cease lecturing and publishing, and that his extant manuscripts would be seized and prohibited from circulating. Apparently, Vitoria was sufficiently influential to warrant Charles' personal involvement in the matter. Yet, this episode did not, in any case, sour relations permanently. In 1541, the emperor wrote again to consult Vitoria on the situation in the Indies; four years later, in 1545, the Salamancan was invited to represent the imperial position at the Council of Trent.

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<sup>2</sup> See e.g. Bernice Hamilton, *Political Thought in Sixteenth-Century Spain. A Study of the Ideas of Vitoria, De Soto, Suárez, and Molina* (Oxford 1963), 114, n. 1.

Vitoria's student Domingo de Soto, who would succeed his erstwhile teacher as Salamanca's foremost theologian could boast of an equally close relationship with the Habsburg emperor. Because Vitoria had been too ill to attend, Soto became the imperial representative at the Council of Trent. In 1548, he became Charles V's confessor, from which position, however, he soon resigned. Even a radical advocate for the Indians like Bartolomé de Las Casas commanded significant influence at the Spanish royal court.<sup>3</sup>

Perhaps the best illustration of the weight attributed to theological opinion was Charles V's sudden suspension of all ongoing conquests in the New World until it could be determined if they were justified. "Probably never before, or since," Lewis Hanke observed, "has a mighty emperor – and in 1550 Charles V, Holy Roman Emperor, was the strongest ruler in Europe, with a great overseas empire besides – ordered his conquests to cease until it was decided if they were just."<sup>4</sup> To definitively settle this issue, preparations were made for a great disputation that would enter history as the now famous "Valladolid debate." A specially appointed group of theologians and counselors, including such luminaries as Soto and Melchior Cano, was to adjudicate between the positions of Juan Ginés de Sepúlveda, a prominent scholar who justified conquest and evangelization by war, and Las Casas, a staunch advocate of voluntary and peaceful conversion. It is unclear which side won, but Spain's conquests eventually resumed – if they ever had ceased in reality. Yet, in the aftermath of the debate official Spanish policy toward the Indians increasingly came to be

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3 For Las Casas' influence at the Spanish royal court see e.g. Lewis Hanke, *The Spanish Struggle for Justice in the Conquest of America* (Philadelphia 1949; repr. Boston 1965), 88; id., *Aristotle and the American Indians. A Study in Race Prejudice in the Modern World* (London 1959), 30; Manuel Giménez Fernández, "Fray Bartolomé de Las Casas: A Biographical Sketch," in Juan Friede and Benjamin Keen eds., *Bartolomé de Las Casas in History. Toward an Understanding of the Man and His Work* (DeKalb 1971), 67-126: 92-99; Gustavo Gutiérrez, *Las Casas. In Search of the Poor of Jesus Christ* (Maryknoll 1993; original Spanish edition: Lima 1992), 5.

4 Lewis Hanke, *All Mankind is One. A Study of the Disputation Between Bartolomé de Las Casas and Juan Ginés Sepúlveda in 1550 on the Intellectual and Religious Capacity of the American Indians* (DeKalb 1974), 67.

defined by paternalistic benevolence and forced tutelage, rather than ruthless conquest. Said tutelage, I argue, was specifically intended to remedy the Indians' invincible ignorance.

As we shall see, Las Casas maintained that many, if not most, infractions against both divine and natural law committed by the Indians might be excused on account of their invincible ignorance. Sepúlveda, by contrast, refused outright to entertain that possibility. As tutelage is a response more appropriate to unintentional ignorance, rather than willful disobedience, we may assume that Las Casas' position was ultimately more influential than Sepúlveda's. This chapter argues the validity of that assumption.

Our discussion in the subsequent pages will thus revolve around the Valladolid debate, which constituted a dramatic and also very conspicuous highpoint in the larger controversy about the culpability of the Indian infidel. The primary purpose in discussing this particular disputation is to highlight some of the themes which also dominated the more general dispute – not the least of which was the question of the invincibility of the Indians' ignorance. The Valladolid debate, however, was not an isolated anomaly. Hence, our analysis of the clash between Las Casas and Sepúlveda will be preceded by a succinct overview of the prior “Spanish struggle for justice” in the New World, to use Lewis Hanke's words once more.<sup>5</sup>

The debate between Las Casas and Sepúlveda, as well as its extended run-up and aftermath have been discussed extensively in the older but still valuable works by Lewis Hanke and Silvio Zavala.<sup>6</sup> Additionally, the body of more recent literature dealing with the

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5 The classical English-language study detailing this “struggle” is of course Hanke's aforementioned *The Spanish Struggle for Justice in the Conquest of America*.

6 Hanke's most important contributions are the already mentioned *The Spanish Struggle for Justice* and *All Mankind is One*. However, see also his other works in the bibliography. Zavala's most important publication in this area is his *La filosofía política en la conquista de América* (Mexico City 1947), which has been conveniently but

thought of Las Casas and other defenders of the American Indians is too vast to list here.<sup>7</sup> Despite revisiting well-tread grounds, new insights are nonetheless to be gained. One of the principal contemporary justifications for a more peaceful approach toward the Indians, namely the notion that invincible ignorance could be a prime exculpatory explanation for the Indians' unbelief, has been largely, if not completely overlooked. To rectify that oversight, it is unavoidable that we revisit the works of some of the central actors in the drama of Spain's interaction with the American natives.

Furthermore, recent research accomplishments which have called into question traditional assumptions on medieval and – by extension – early modern scholasticism, appear to have been largely neglected by historians of sixteenth-century Latin America. More precisely, the virtual identification of sixteenth-century scholasticism with traditional Thomism has significantly marred our understanding of the original implications, as well as the genealogy of several ideas central to the position of Las Casas and others. With a better grasp of the prior history of these ideas, as outlined in the previous chapters, we are now able to see the thought of Las Casas *cum suis* in a new and clearer light.

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rather succinctly summarized by the author himself in id., *The Defence of Human Rights in Latin America (Sixteenth to Eighteenth Centuries)* (Paris 1964).

<sup>7</sup> A somewhat recent, bibliographically oriented article providing a starting point to the existing literature is O'Meara, "The Dominican School of Salamanca." Another good starting point is the continuously updated biographical article on Las Casas in the *Biographisch-Bibliographisches Kirchenlexikon* (Hamm 1975ff) and <http://www.bbkl.de>. Particularly useful is collection of essays in *I diritti dell' uomo e la pace nel pensiero di Francisco de Vitoria e Bartolomé de las Casas. Congresso Internazionale tenuto alla Pontificia Università S. Tommaso (Angelicum), Roma 4-6 Marzo 1985* (Milan 1988).

### The Spanish Struggle for Justice Before 1550

A seminal moment in the protracted run-up to the dramatic encounter between Las Casas and Sepúlveda in Valladolid in 1550 was Antonio Montesinos' sermon on the fourth Sunday of Advent in 1511, delivered to a stunned audience of Spaniards on the island of Hispaniola.<sup>8</sup> Montesinos, one of the first four Dominicans in the New World, preached that many members of his audience were living in mortal sin and could "no more be saved than Moors and Turks," because of the "cruelty and tyranny" they were inflicting on the Indians. He argued that significant to that tyranny was the "cruel and horrible servitude" in which the Indians were being held by their Spanish masters. Said servitude had been legally instituted as the *encomienda*, a system in which the Spanish crown could "commend" a certain number of Indians to individual Spaniards, who thus became *encomenderos* with the right to exact labor and tribute from their charges. In return, the *encomenderos* were expected to provide religious instruction and protection to their Indians. Although the *encomienda* was meant to function somewhat like feudal serfdom, in practice it closely resembled unrestricted chattel slavery. Worse still, since the Indians were acquired without the cost of a purchased slave, *encomenderos* lacked concern for the well-being of their native laborers. Consequently, many Indians, if they had not already succumbed to infectious diseases, were ruthlessly worked to death.<sup>9</sup>

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8 The following five paragraphs (including the current one) are largely a paraphrase of Hanke's *The Spanish Struggle for Justice*, 17ff, 23ff, 33ff, 83ff, 95ff and 130ff.

9 Although the extent of Spanish cruelty toward the Indians still remains a very controversial topic, it seems beyond probable that (admittedly polemical) accounts such as Las Casas' *Brevísima relación de la destrucción de las Indias* should be altogether dismissed. For a critical edition of this text see Bartolomé de Las Casas, *Obras completas*, vol. 10, eds. Ramón Hernández and Lorenzo Galmés (Madrid 1992), 29-94. On the *encomienda* in general see Lesley Byrd Simpson, *The Encomienda in New Spain. The Beginning of Spanish Mexico* (Rev. ed.; Berkeley 1966), which still appears to be the standard work on this subject.

The great scandal caused by Montesinos' sermon did not fail to reach the Spanish court. As a result, Montesinos was sent to Spain by his superior to plead the case of the Indians before King Ferdinand, while the colonists picked the Franciscan Alonso del Espinal to represent their viewpoints at court. The ensuing dispute led to Ferdinand ordering a group of theologians and counselors to draw up proper laws and regulations to be applied to his overseas possessions. In 1512, the work of this committee resulted in the Laws of Burgos, followed in 1513 by a "Clarification." The authors of these laws concluded that the *encomienda* system was essentially sound; and to avoid idleness and speed their conversion, the Indians should remain subject to a measure of coercion. The Laws of Burgos, however, also recognized that the Indians had certain rights and, in essence at least, were free subjects of the Crown. The Laws of Burgos also contained provisions to prevent ill-treatment and overwork of the Indians. Most significantly, the Laws stipulated that if at any time the Indians gave proof of being able to live in a civilized manner under their own government, they were to be allowed to do so, paying only the ordinary feudal dues of Castile.

Ferdinand and his advisors also tackled the problem of the legitimacy of new conquests. It was determined that any new hostilities were to be preceded by a reading (through interpreters) to the Indians of a document known as the *Requerimiento*. This text required all Indians who heard it to heed the implications of the papal bull *Inter caetera*; and thus, to accept the rulers of Castile as their lawful sovereigns and to allow the preaching of the Christian faith. Refusal to agree with these stipulations would constitute sufficient legal grounds for outright conquest and enslavement. The use of the *Requerimiento* would lead to many farcical situations: it was read in Spanish to uncomprehending natives or even to trees

and empty huts. Nevertheless, it seems to have been a genuine effort to satisfy the demands of both justice and the Christian conscience.<sup>10</sup>

A more meaningful effort to remedy the injustice inflicted upon the Indians occurred a generation later in 1542. On November 20 of that year, Charles V, following the recommendations of Las Casas and other advocates of Indian freedom, promulgated the New Laws, called thus because they superseded the earlier Laws of Burgos. The New Laws contained much stricter provisions to prevent ill-treatment and overwork of the Indians. Additionally, they prohibited the future enslavement of individual Indians for any and all reasons. They also stipulated that all currently enslaved Indians were to be set free at once, unless it could be proven that they had been justly captured. Most importantly, the New Laws also forbade the granting of new *encomiendas* under any circumstances. Existing *encomiendas* would revert back to the Crown with the death of their current holders. These last provisions in particular caused serious unrest throughout Spanish America. *Encomenderos* in Peru openly revolted on hearing of the New Laws, while their counterparts in the Viceroyalty of New Spain came close to doing likewise. In the face of such fierce opposition, Charles V revoked his decision to radically abolish the *encomienda* system. Yet, the provisions of the New Laws to prevent ill-treatment and cruelty were never rescinded. Moreover, in the subsequent decades the *encomienda* gradually disappeared, to be replaced by the *repartimiento*: a system intended to provide rotating access to tributary Indian labor. This new system was less prone to unchecked abuses than the earlier *encomienda*.

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10 Perhaps surprisingly – if we fail to consider the intellectual climate of Francoist Spain, as well as the origins of this climate – the use and purpose of the *Requerimiento* has been defended until at least the middle of the twentieth century. One such defender, the Spanish Jesuit Constantino Bayle, claimed that the only shortcoming of the *Requerimiento* was that it was read not to men, but to “half-beasts.” See Hanke, *The Spanish Struggle*, 35.



Twenty-three years after the debate at Valladolid, more evidence of a growing Spanish discomfort with the manner in which their earlier conquests had occurred is found in Philip II's *Ordinances Concerning Discoveries* from July 1573. Henceforth, the stated Spanish goal would be "pacification," rather than "conquest." The vices of the Indians were to be dealt with very gently at first; and although the use of force might eventually be justified, Spanish commanders were instructed to do as little harm as possible. The enslavement of Indians remained prohibited under any circumstances. These ordinances are a far cry from the *Requerimiento* – even if the practical effect on those Indians who were about to be "pacified" might not be very different. Nonetheless, Philip's statutes, which would remain in force until the very end of Spain's presence in the Americas, betray a definite shift in attitude as compared to earlier legislation. The great contest between Las Casas and Sepúlveda at Valladolid occurred in the midst of these political and legislative developments. Their debate also had a narrower and more particular intellectual focus.

According to Lewis Hanke, the background to the Valladolid debate was formed by a "bitter dispute that had raged in both Spain and the New World since 1492." Central to this dispute, Hanke maintains, were the following questions: "What manner of beings [are] these American natives, and what [is] their capacity for the Christian religion and for European civilization?"<sup>11</sup> Some Spaniards, apparently, believed that the Indians "were almost, but perhaps not quite, men."<sup>12</sup> The Valladolid debate, then, may be described as the last important event in a controversy about the very humanity of the Indians. Hanke's portrayal of the Valladolid debate, including its earliest opening hostilities, has been very

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11 Hanke, *All Mankind is One*, 3.

12 *Ibid.*, 4.

influential, especially in the English-speaking world. Yet, Hanke's argument that the humanity of the American natives was held in serious doubt did not – and rightly so – go unchallenged.<sup>13</sup> For among the majority of learned Spaniards, the Indians were not considered to be literally non-human.

Perhaps the most obvious illustration of the fact that the Spanish believed that the Indians were human is that from the beginning of their presence in the Caribbean, Spaniards took Indian women in concubinage and produced offspring with them. If the Indians had literally been considered “beasts,” we could reasonably expect a significant outcry, denouncing this behavior as bestiality and as noxious, unnatural intercourse. Yet, at most we learn of clerical protests on account of the extramarital character of these relationships.<sup>14</sup> Even when the word “beasts” (*bestias*) was explicitly used to describe the Indians, we must not necessarily understand this label in a literal sense. Particularly revealing in this regard is the example (provided by Hanke!) of the Dominican missionary Domingo de Betanzos, who had worked among the Indians for thirty-five years. Betanzos, by his own admission, had indeed once called the Indians *bestias*. Yet, at that same time he had also maintained that these “beasts” had sinned grievously and that God for that reason had condemned them.<sup>15</sup> By definition, the ability to sin depends on an existing capacity to reason. Beasts, i.e., irrational animals, obviously cannot sin. Furthermore, it would hardly make sense for Betanzos to be convinced of the Indians' literal bestiality and to simultaneously engage in

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13 Hanke himself mentions several historians, such as Edmundo O’Gorman, Juan Pérez de Tudela and Lino Gómez Canedo, who have questioned his view that the Indians were believed to be literally beasts. See Hanke, *All Mankind is One*, 9 n. 20.

14 See e.g. Mörner, *Race Mixture*, 21-27; 40-45.

15 Hanke, *All Mankind is One*, 30.

lengthy missionary activities to secure their salvation. Despite Hanke's objections, it seems that we must simply accept Betanzos' denial of ever having claimed the Indians to be "wholly incapable" of receiving the faith and that he rather believed the Indians to have "very little capacity, like [human] children."<sup>16</sup>

Looking back at our earlier discussion of Aristotelian habituation, we may indeed safely assume that the Indians were not literally considered to be beasts, but at most bestial, i.e., *beastlike*, in the sense that they had failed to actualize their natural, inborn capacity for rational action and for living in a proper, civilized manner.<sup>17</sup> In the great dispute about Indian capacity the Indians' humanity was never, I believe, seriously in question.<sup>18</sup> There can have been no doubt about the question whether or not the Indians *possessed* the inherent capacity for being rational or receiving the faith. Rather, the true question was whether – and if so, how – the Indians, despite a centuries-long absence of proper habituation, could still

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16 Ibid., 32. See also Lino Gómez Canedo OFM, "¿Hombres o bestias? (Nuevo examen de un viejo tópico)," *Estudios de historia Novohispana* 1 (1966), 29-51: 42-47.

17 See above, chapter 1, pp. 23-24, 33ff.

18 This is not to say that no exceptions whatsoever to this rule are to be found, especially among the unlearned. For example, the Dominican friar Bernardino de Minaya, who like Las Casas was a staunch defender of the Indians, reports in a letter dating from 1536 that the Devil himself had suggested (apparently rather convincingly) to "not a few Spaniards" and "some persons held for wise by the common crowd" that the Indians are not "true men with rational souls," but rather "a third species of animal between human and monkey, created by God to better serve man." Said letter is reprinted in Juan José de la Cruz y Moya, *Historia de la santa y apostólica provincia de Santiago de Predicadores de México en la Nueva España*, ed. Gabriel Saldívar, 2 vols (Mexico City, 1954-1955), 2: 46: "El demonio, rabioso porque lo fueran despojando del injusto dominio que tenía en estas gentes, maquinó una traza, como suya, para cerrarles la puerta a la predicación evangélica y creencia de las verdades católicas. Sugirió a no pocos españoles, y aún a algunas personas tenidas del vulgo por sabias, que los indios americanos no eran verdaderos hombres con alma racional, sino una tercera especie de animal, entre hombre y mono, criada de Dios para el mejor servicio del hombre." Cf. James Muldoon, "The Nature of the Infidel: the Anthropology of the Canon Lawyers," in Scott D. Westrem ed., *Discovering New Worlds. Essays on Medieval Exploration and Imagination* (New York and London 1991), 115-24, esp. 122, in which the author argues that while wild half-men still occupied the popular imagination, the learned lawyers of the thirteenth-century papal court were well aware that all infidels encountered in the course of the various missions to the Mongols possessed fully rational natures. See also id., *The Americas in the Spanish World Order*, esp. 57-8.

successfully *actualize* their inborn (but by now stunted) capacity for civilized conduct.<sup>19</sup> Tellingly, the papal bull *Sublimis Deus*, issued in 1537 by Pope Paul III, can hardly, as Hanke suggests, be construed as an argument against perceiving the Indians as inhuman.<sup>20</sup> The humanity of the Indians is presented as an entirely uncontroversial fact. Instead, *Sublimis Deus* reiterates the doctrine that all human beings, *because* they are human, are capable of receiving the faith.<sup>21</sup> Obviously, this argument would have been entirely ineffective if the Indians' humanity had indeed been in dispute. As to the question whether the Indians were able to actualize their inborn capacity for rational thought, the answer, according to Paul III and his advisors, would have been an unqualified "yes." For *Sublimis Deus* essentially argues

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19 Cf. Borah, *Justice by Insurance*, 27-28: "Bound up in the discussion [about the best way to govern the Indians] was the debate over the nature of the Indians. That they were human beings was hardly in question. [...] That Indians had souls and were competent to become Christians also was not really in question [...] What the debate really concerned was the nature of the regime the Indians were to be subjected to. If they were of diminished capacity and understanding, they ought either to be turned over to feudal jurisdictions [...] or placed under some form of Spanish tutelage. If they were of full capacity and understanding, the alternatives were that they ought to be placed in full Christian policy forthwith, with immediate imposition of Spanish forms and substantial discarding of native custom, or that they should be left in full enjoyment of their own customs and usages, with minium change."

20 Lewis Hanke, "Pope Paul III and the American Indians," *The Harvard Theological Review*, 30 (1937), 65-102: 68-69. See also Hanke, *All Mankind is One*, 17-22.

21 As evidenced by the opening paragraph of said bull: "Sublimis Deus sic dilexit humanum genus, ut hominem talem condiderit qui non solum boni sicut caeterae creaturae particeps esset, sed ipsum Summum Bonum inaccessible et invisibile attingere et facie ad faciem videre posset; et cum homo ad vitam et beatudinem aeternam obeundam, etiam sacrarum literarum testimonio, creatus sit, et hanc vitam et beatudinem aeternam, nemo consequi valeat, nisi per fidem Domini nostri Jesu Christi fateri necesse est, hominem talis conditionis et naturae esse, ut Fidem Christi recipere possit, et quemunque, qui naturam hominis fortitus est, ad ipsam Fidem recipiendam habilem esse. Nec enim quisque adeo desipere creditur, ut se secredat Fidem obtinere posse, et medium summe necessarium, nequaquam attingere." Furthermore, according to this bull the Indians were not believed to actually be "dumb animals" by certain authors, but rather these authors advocated that the Indians should be *used* as such ("uti muta animalia") by the Spaniards. Finally, there is only one brief phrase in the entire bull that may possibly indicate that some individuals saw the Indians as literally inhuman. Yet it is much more likely, considering the overall thrust of the argument, that this phrase ("Indos ipsos, ut pote veros homines, [...]") is a restatement of an obvious truth, which is best translated as follows: "[...] the Indians, who after all are true human beings, [...]" The original text of this bull, together with an English translation, can be found in Appendix II of Francis A. MacNutt, *Bartholomew de las Casas: His Life, Apostolate, and Writings* (Cleveland 1909), 426-31. The original Latin text was reprinted from Appendix A of Cárlos Gutiérrez, *Fray Bartolomé de las Casas, sus tiempos y su apostolado* (Madrid 1878), 425-29.

that human beings cannot be so habitually disposed toward evil that they are entirely unable to actualize their natural capacity for rationally distinguishing what is good and thus for accepting the Christian faith.

From a sixteenth-century learned perspective, the debate on how the Indians' inborn capacity for rational behavior could be actualized depended on two factors. First, the specific bodily traits, possessed by the current generation of Indians and inherited from their ancestors, that would facilitate or impede proper moral behavior. Second, the particular reason why the current generation of Indians, besides having inherited certain bodily dispositions, had not yet actualized their capacity for rational conduct.

Considering the first point, the geographical discoveries of the 1510's and 1520's made it increasingly clear that the newly discovered lands in the western hemisphere were not situated somewhere in Asia, but part of a separate continent. It became therefore ever harder to argue that the Indians' ancestors once had benefited from Christian preaching, but had either elected to remain in the darkness of idolatrous paganism, or through criminal neglect had forgotten the Christian message. It now had to be conceded that it was possible that the Indians' ancestors had been invincibly (and thus excusably) ignorant of the Christian faith. Hence, the Spaniards had to readjust their opinion of how willfully evil the actions of these prior generations of Indians had been. The bodily dispositions of these earlier Indians, which had been acquired through habitual moral or immoral behavior and which by now had been passed on to subsequent generations, were consequently deemed less harmful than initially thought and could conceivably be overcome by proper education. Thus, previous generations of Indians, as well as the current one, turned out to be (partially) blameless for their ignorance. It could no longer be automatically assumed that the Indians had willfully ignored every rumor of Christianity that had reached them. Likewise, it now had to be

acknowledged – if only from a practical perspective – that suitable teachers had been entirely unavailable. Despite God’s benevolent foresight, the American natives, bereft of both revelation and timely preaching, had been left to their own fallible devices, possibly through no fault of their own.

These conclusions force us to revise Hanke’s argument that the Spaniards became completely convinced of the Indians’ humanity only over time; and that this development occurred simultaneously with, and was identical to, a growing appreciation of the natives’ capacity for rational thought and ability to receive the faith. Rather, I would argue, the Spaniards never seriously doubted the presence of such capacity in the Indians (or their humanity, for that matter). Instead, Spaniards were increasingly willing to accept (1) the possibility that the Indians’ idolatrous practices and apparent immorality were at least partially caused by invincible ignorance instead of a willful rejection of the divine commandments; and (2) if the Indians’ moral shortcomings were unintentional, that it would be possible to actualize the Indians’ inherent capacity for rational thought (and thus for avoiding these failings) through benign methods, such as preaching and education, rather than through conquest and war.

From such an argument, we must conclude that it is unlikely that the Valladolid debate was called to discuss the capacity of the Indians as such. Instead, the dispute was designed to determine the best method – either force or gentle persuasion – for actualizing said capacity.<sup>22</sup> If the Indians are sinning primarily because of their invincible ignorance, the horrors of war may be excessive in relation to their expected benefits. Gentle persuasion,

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22 For a somewhat similar appreciation of what was at stake see Ángel Losada, “The Controversy Between Sepúlveda and Las Casas in the Junta of Valladolid,” in Juan Friede and Benjamin Keen eds., *Bartolomé de Las Casas in History. Toward an Understanding of the Man and His Work* (DeKalb 1971), 278-307: 278.

even if somewhat less effective in combating flagrant immorality, may then nonetheless be the lesser of two evils.<sup>23</sup> Thus, if Las Casas is to be justly called “tolerant,” we must, I believe, understand his *tolerantia* in the medieval sense.<sup>24</sup> If he was willing to tolerate the existence of unconverted Indians, he did so not because he deemed their choice in any way acceptable, but rather because he wished to prevent the far greater evil of forced conversion.

The question of Las Casas’ personal virtue, however, is for now of secondary importance. Instead, I wish to shift focus and to reiterate once more the primary conclusion of the preceding paragraphs. As Hanke and many others have pointed out, Spanish attitudes toward the Indians became appreciably more favorable over the course of the sixteenth century. Yet, this change occurred not because the Indians became increasingly “human” in Spanish eyes, but rather because they were perceived as increasingly guiltless on account of the invincibility of their ignorance. The fact that modern historians so far have overlooked the prominent role of the theological notion of invincible ignorance in this process has had unfortunate, but at the same time significant consequences for our understanding of the Spanish quest for justice in the New World.

One influential work which already foreshadows some of the aforementioned conclusions, especially in regard to the Indians’ perceived guiltlessness, is Anthony Pagden’s *The Fall of Natural Man*.<sup>25</sup> At the heart of the author’s argument lies the contention that

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23 A similar argument has been made by Edmundo O’Gorman, who argues in his classic *Fundamentos de la historia de América* (Mexico City 1942), pp. 56-7 that Las Casas believed that wars for the purpose of preaching the faith are unjust, not because it is inherently immoral to spread Christianity through violence, but rather because the method is ineffective. See also id., “Lewis Hanke on the Spanish Struggle for Justice in the Conquest of America,” *The Hispanic American Historical Review* 29 (1949), 563-71: 569-70 and Losada, “The Controversy Between Sepúlveda and Las Casas,” 283.

24 See above, chapter 1, pp. 52-53; cf. Losada, “The Controversy Between Sepúlveda and Las Casas,” 294.

25 Pagden, *The Fall of Natural Man*.

Vitoria, Salamanca's foremost theologian, decisively influenced the debate about the status of the Indians by abandoning Aristotle's theory of natural slavery in favor of an entirely new position, namely that the Indians' apparent irrationality is to be explained by the fact that they possess the mental capacity of mere children. In doing so, Vitoria "shift[ed] the direction of his argument from one path of Aristotelian psychology (concerned with the mental condition of natural slaves) to another (concerned with the mental disposition of children)."<sup>26</sup> Children, of course, are not held to the same moral standards as adults. Consequently, the Indians' guilt for their numerous infractions against both divine and natural law is considerably diminished.

Besides receiving praise, Pagden's conclusions have also been the subject of severe criticism. Yet, to say, as Brian Tierney has done, that Pagden's account of Vitoria's argument is "all wrong" goes too far.<sup>27</sup> There are simply too many sixteenth-century Spanish sources that compare the Indians to children to dismiss Pagden's conclusions altogether.<sup>28</sup> To anticipate briefly what will receive a more detailed discussion in the subsequent chapter, Vitoria appears indeed responsible for a shift in Spanish attitudes toward the Indians. He accomplished this change, however, not by radically abandoning the concept of natural slavery, but rather by modifying the common perception of the natural slave – albeit perhaps

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<sup>26</sup> Ibid., 104.

<sup>27</sup> Brian Tierney, "Aristotle and the American Indians – Again. Two Critical Discussions," *Cristianesimo nella storia* 12 (1991), 295-322: 306-7.

<sup>28</sup> See e.g. above, p. 201-2, for Betanzos' description of Indian capacity. See also chapter 1, pp. 34ff. Additionally, similar comparisons are discussed numerous times in the secondary literature. See e.g. Borah, *Justice by Insurance*, 30; Phelan. *The Millennial Kingdom*, 60-66; Ricard, *The Spiritual Conquest of Mexico*, 150.



not as much as initially would appear.<sup>29</sup> Instead of a barely rational draft animal or a maliciously ignorant savage, Vitoria portrayed the natural slave as a helpless child, left too soon to its own devices. The distinguishing qualities of the natural slave thus changed from beastlike to childlike. This shift could be made palatable by identifying invincible ignorance as the main cause of the Indians' improper and uncivilized conduct. As the American natives were now no longer willfully ignorant, they ceased to be guilty and beastlike. Instead, they became invincibly ignorant, and therefore innocent and childlike. Because of this shift, forced tutelage could replace physical discipline as the most appropriate method for correcting the Indians' failings.

Among those who accepted this new view of the American natives, another debate soon erupted. Significant divisions remained on the question whether the Indians could become proper "adults" in the foreseeable future; and hence, it remained unclear precisely how much education the Indians should receive. Gerónimo de Mendieta, for example, opposed higher education for the Indians on the grounds that they were made to be pupils, not teachers.<sup>30</sup> In contrast, his fellow Franciscan Alfonso de Castro argued emphatically that the Indians should not be prohibited from studying the liberal arts or even theology.<sup>31</sup> The

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29 Sepúlveda's much more negative attitude toward the natural slave is nonetheless considerably closer toward Vitoria's relatively benign conception of such individuals than to Aristotle's belief that the natural slave is no more than a "living tool," comparable in usefulness to a domesticated animal. See further below, pp. 211-12.

30 Phelan. *The Millennial Kingdom of the Franciscans*, 61.

31 Alfonso de Castro, *Utrum indigenae novi orbis instruendi sint in mysteriis theologicis et artibus liberalibus*, ed. Juan B. Olaechea Labayen, "Opinion de los teólogos Españoles sobre dar estudios mayores a los Indios," *Anuario de estudios Americanos* 15 (1958), 113-200, 176: "Verum his non obstantibus ego ut ingenue fatear contrarium [causis dubitationis] sentio."

latter position found explicit support from, among others, Vitoria and Andreas de Vega OFM.<sup>32</sup>

Thus, the context in which the Valladolid debate took place was one in which the Spaniards increasingly had come to see the Indians as “guiltless,” rather than “more human.” Perhaps tellingly, Castro’s treatise, which argued for allowing the Indians access to university-level training, predated the Valladolid debate by almost a decade.<sup>33</sup> It seems hardly likely that such a topic would come up for serious debate if the question of the Indians’ humanity had still been in doubt. Yet, even if the humanity of the Indians was beyond dispute, their guiltlessness (and hence the most suitable approach for remedying their various shortcomings) was not. Although we may be aware that Las Casas’ arguments – in any case more so than Sepúlveda’s – seem to have had a real impact on official Spanish policy in the aftermath of the debate at Valladolid, the outcome, from a contemporary perspective, was of course still very much in doubt. At stake, therefore, were the means by which the Indians were to be converted and civilized. In other words, would Spain’s interaction with the Indians henceforth be characterized by the methods of the slave master, or would she rather act in the manner of a stern but (nominally) benevolent parent?

#### Confrontation at Valladolid

Before more thoroughly discussing the positions of Las Casas and Sepúlveda at the Valladolid debate, we must, if only in very general terms, reiterate what this particular debate

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<sup>32</sup> Both, as well as several others, signed Castro’s treatise to express their support for its conclusions: *ibid.*, 194-97.

<sup>33</sup> Since one of Castro’s supporters signed the treatise in January 1543, the text itself must predate that time.

was all about. Perhaps surprisingly, the legality of Spain's control over her overseas conquests remained undisputed. Even Las Casas freely endorsed Spanish sovereignty over the Indian nations.<sup>34</sup> After all, in the bull *Inter caetera* Pope Alexander VI had made his grant of lordship over the Indies conditional upon Spain's willingness to spread the Christian faith and to instruct its inhabitants in "good morals."<sup>35</sup> Since, therefore, Spanish rule had avowedly been instituted to facilitate the conversion of the pagan Indians, Las Casas, a Dominican friar and missionary, would have been unlikely to protest against it.<sup>36</sup>

Yet, just as Las Casas entered the debate eager to advance his particular conception of Indian wellbeing and to fulfill the demands of justice as he perceived them, so did Sepúlveda. The latter professes that his position is based on a fourfold desire, namely to subject the Indians to civilized government, to defend the innocent from human sacrifice and cannibalism, to save as many heathen souls as possible by spreading Christianity and to bring just punishment to those who had willingly violated the natural order.<sup>37</sup> Put in these terms, it seems far-fetched to assume that Las Casas would not have shared Sepúlveda's

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34 As evidenced by the dedicatory letter to Philip II which preceded the manuscript version of the document he read at Valladolid, as well as the final chapters of this treatise. See Bartolomé de Las Casas, *Apologia*, ed. Ángel Losada, *Obras completas*, vol. 9 (Madrid 1988), 72: "[...] volo explicare principis mei verum ius, quo titulo scilicet novum orbem possideat [...]" Additionally, see pp. 650ff.

35 A critical edition of this bull can be found in E Staedler, "Die westindischen lehnsedikte Alexanders VI (1493)," *Archiv für katholisches Kirchenrecht* 118 (1938), 377-417: 394-403. More specifically, see pp. 400-1: "Et insuper mandamus vobis in virtute sanctae oboedientia ut sicut etiam pollicemini et non dubitamus pro vestra maxima deuotione et regia magnanimitate vos esse facturos ad terras firmas et insulas praedictas viros probos et deum timentes doctos peritos et expertos ad instruendum Incolas et habitatores praefatos in fide Catholica et bonis moribus."

36 The avowed purpose of this grant is made clear by its opening lines, *ibid.*, 395: "Inter cetera divinae maiestati beneplacita opera et cordis vestri desiderabilia illud profecto potissimum existit ut fides Catholica et christiana lex nostris praesertim temporibus exaltetur ac ubilibet amplietur et dilatetur animarumque salus procuretur ac barbarae nationes deprimantur et ad fidem ipsam deducantur [...]"

37 Sepúlveda's arguments are summarized (not altogether inaccurately) in Las Casas' *Apologia*, pp. 56-62.

ambitions.<sup>38</sup> The one thing that set Las Casas and Sepúlveda truly and irreconcilably apart was the preferred method of each for achieving their common goals. The former advocated peaceful conversion, the latter subjection through conquest as the most appropriate way to safeguard the wellbeing of the Indians. Regardless of the debate's outcome, Spain would not abandon its overseas possessions. Nevertheless, the dispute at Valladolid significantly influenced the kind of treatment that awaited Spain's involuntary subjects in the New World.

Despite the many similarities between the thought of Las Casas and Sepúlveda, the latter, in marked contrast to the former, has acquired a rather sinister reputation in the modern imagination. However, as Edmundo O'Gorman already remarked many decades ago, it would be unfair to judge Sepúlveda by anything else but the standards of his own time. The fact that Las Casas' concept of justice, much more than the beliefs of his opponent Sepúlveda, resembles our modern-day one, does not mean that the latter was committed to a cause deemed unrighteous by his contemporaries.<sup>39</sup> O'Gorman's statement that Las Casas is "farther removed from the Christianity of his time" than Sepúlveda would be entirely correct if developments in theological speculation had not combined with the discovery of the New World to significantly undermine traditional convictions regarding contingency and necessity, as well as doubt and certitude.<sup>40</sup>

Although Sepúlveda advocated natural slavery as a fitting condition for the American Indians, he understood the concept as resembling medieval serfdom, rather than chattel

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38 Cf. Ángel Losada, "Sepúlveda – Las Casas – Vitoria. Más coincidencias que divergencias," in *I diritti dell'uomo e la pace nel pensiero di Francisco de Vitoria e Bartolomé de las Casas. Congresso Internazionale tenuto alla Pontificia Università S. Tommaso (Angelicum), Roma 4-6 Marzo 1985* (Milan 1988), 439-62.

39 O'Gorman, "Lewis Hanke on the Spanish Struggle for Justice," 565.

40 Ibid., 566.

slavery.<sup>41</sup> Thomas Aquinas probably had the same opinion.<sup>42</sup> Neither Vitoria, nor Sepúlveda, both Dominicans and quite possibly followers of Aquinas in this regard, understood natural slavery in its more ruthless, Aristotelian sense.<sup>43</sup> Yet, in clear contrast to Vitoria, who had compared the Indians to immature children, Sepúlveda did not attempt to diminish the Indians' own responsibility for their inability (in Spanish eyes) to properly govern themselves. Thus, even if Sepúlveda ought not to be depicted as a callous enslaver of hapless Indians, he nonetheless was far less sympathetic to their plight than either Vitoria or Las Casas.

One other aspect of the traditional image of Sepúlveda needs adjusting. Too often is Las Casas' opponent characterized, first and foremost, as a "humanist."<sup>44</sup> While Sepúlveda was indeed a capable translator of Aristotle, as well as a student of the Aristotelian philosopher Pietro Pomponazzi, the fact that he was also a Dominican friar who had studied

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41 See Robert E. Quirk, "Some Notes on a Controversial Controversy: Juan Ginés de Sepúlveda and Natural Servitude," *The Hispanic American Historical Review* 34 (1954), 357-64. Cf. José A. Fernández-Santamaria, "Juan Ginés de Sepúlveda on the Nature of the American Indians," *The Americas* 31 (1975), 434-51: 438; id. *The State, War and Peace. Spanish Political Thought in the Renaissance 1516-1559* (Cambridge and New York 1977), 225-236. Lewis Hanke, however, maintains that Sepúlveda fully intended the Indians to become slaves in the Aristotelian sense. See Hanke, *Aristotle and the American Indian*, 58-59.

42 As is argued, though perhaps somewhat inconclusively, by Winston Ashley in his PhD dissertation *The Theory of Natural Slavery According to Aristotle and St. Thomas* (Notre Dame 1941), 19-34.

43 According to Aristotle's *Politics*, the natural slave entirely lacks the active use of the power of deliberation (1260a12-13), is no more than a living tool (1254a18) and may be compared, regarding his usefulness, with domesticated animals (1254b24-b27): "alia enim animalia non ratione admonentur sed passionibus serviunt. Et opportunitas diversificatur modicum; ad necessaria enim corpori auxilium fit ab amobus, et a servis et a domesticis animalibus." See also above chapter 1, pp. 17-18.

44 E.g. by Hanke who labels Sepúlveda a "Renaissance scholar," (*All Mankind is One*, 3); by Fernández-Santamaria who describes Sepúlveda's ideas as "typically Renaissance views ("Juan Ginés de Sepúlveda on the Nature of the American Indians," 434); and by Pagden who claims that Sepúlveda "was a humanist [who] in the view of the Salamanca theologians [...] dabble[d] in subjects he was not adequately trained to understand (*The Fall of Natural Man*, 111-12).

theology in Sigüenza and at the Spanish College at Bologna is rarely mentioned.<sup>45</sup> Based on his biography alone, there is no reason to suppose that Sepúlveda was anything but a sincere and devout Christian, or – since the ideas of Aquinas remained prominently present in Renaissance thought – a less faithful Thomist than the Salamancan scholastics.<sup>46</sup> More generally speaking, the significance of the distinction between humanism and scholasticism tends to be overstated, as the adherents to both approaches were quite often the same individuals writing for different audiences.<sup>47</sup> In many ways, Sepúlveda fits that same mold. Yet, perhaps most puzzling is the implicit assumption in some modern studies that being a translator of Aristotle would somehow set one apart from the mainstream of scholastic thought. Were not Aquinas' achievements (if we may momentarily take the Doctor Angelicus to represent scholasticism as a whole) largely made possible by William of Moerbeke's new translations of the Aristotelian corpus?

Considering these conclusions, it is hardly surprising that Sepúlveda's arguments about the American Indians are firmly rooted in the medieval, Christian tradition. The latter's position may be reconstructed from two texts. The first, dating from ca. 1545, was composed as a dialogue between two characters, namely the somewhat religiously suspect "Leopoldus" and the far more experienced and much wiser "Democrates" (obviously a stand-in for Sepúlveda himself). Since this treatise had been preceded by an earlier dialogue

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45 For a brief introduction to Sepúlveda's biography see Josef Bordat, "Sepúlveda, Juan Ginés de OP," *Biographisch-Bibliographisches Kirchenlexikon*, vol. 27 (Nordhausen 2007), 1343-1345, URL = <[http://www.bbkl.de/s/s2/sequelveda\\_j\\_g.shtml/](http://www.bbkl.de/s/s2/sequelveda_j_g.shtml/)>.

46 Paul Oskar Kristeller, "Thomism and the Italian Thought of the Renaissance," in Edward P. Mahoney ed.-transl., *Medieval Aspects of Renaissance Learning. Three Essays by Paul Oskar Kristeller* (Durham 1974), 29-91.

47 See e.g. the other two of Kristeller's essays in the abovementioned collection: "The Scholar and his Public in the Late Middle Ages and the Renaissance," 3-25 and "The Contribution of Religious Orders to Renaissance Thought and Learning," 95-114.

titled *Democrates*, which, among other things, argued for the possibility of a just war based on Christian principles against the Terrible Turk, this second didactic exposition by “Democrates” came to be known as *Democrates secundus de iustus belli causis*.<sup>48</sup> Despite Sepúlveda’s position as Charles V’s official chronicler, the theologians of the Universities of Alcalá and Salamanca found fault with his arguments; and consequently royal permission to have the work printed was not forthcoming.<sup>49</sup> Undeterred, Sepúlveda followed up *Democrates secundus* with his more formally scholastic *Apologia pro libro de iustis belli causis* (1550), which, despite continuing objections, he managed to have printed in the city of Rome – beyond the reach of Spanish royal censorship.<sup>50</sup>

Sepúlveda’s ideas about the best way to deal with the American Indians are all predicated on a single, decisive, yet far from radical assumption.<sup>51</sup> His central premise is that

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48 Juan Ginés de Sepúlveda, *Democrates secundus de iustus belli causis*, ed. Ángel Losada, *Demócrates segundo, o de las justas causas de la guerra contra los indios* (Madrid 1951). This particular work was, thematically speaking, preceded by two similar texts. The first of which was *Ad Carolum V imperatorem invictissimum, ut facta cum omnibus christianis pace, bellum suscipiat in turcas* (1520), in which Sepúlveda exhorts the emperor to wage a just war against the Muslim Turks; the second his *De convenientia militaris disciplinae cum christiana religione dialogus qui inscribitur Democrates - or Democrates primus* for short (Rome 1535 and Paris 1541). The latter text contains, besides an exposition of the justice of Christians waging war against the infidel Ottomans, a general defense, based on Christian principles, of the concept of just war. For a further discussion of the *Democrates primus*, see Henri Mechoulan, *L’antihumanisme de J.G. de Sepúlveda. Étude critique du Democrates primus* (Paris, etc. 1974).

49 Cf. Pagden, *The Fall of Natural Man*, 110-12. Pagden argues that Sepúlveda’s *Democrates secundus* was rejected by the theologians of these universities, because the format of the text (i.e. a dialogue) did not conform to the established scholastic standards. After all, since “Sepúlveda’s reading of Aristotle turns out in the end to be not so very far from Vitoria’s own, it is [otherwise] difficult to see what all the fuss was about” (p. 111). Yet, Pagden fails to notice that the crucial distinction between Sepúlveda’s and Vitoria’s positions did not involve their appreciation of the condition of natural slavery, but rather, in the case of the American Indians, the *cause* of that condition. Vitoria, in marked contrast to Sepúlveda, maintains that this condition could have been caused by invincible, i.e. excusable ignorance. As pointed out earlier, the manner (i.e. violently or peacefully) in which the failings of the American natives were to be remedied depended largely on the Spanish perception of the extent of the Indians’ guilt. For Vitoria’s position see also below, chapter 6, p. 259ff.

50 Juan Ginés de Sepúlveda, *Apologia pro libro de iustis belli causis*, in id., *Opera*, vol. 4 (Madrid 1780), 329-51.

51 Perhaps the best introduction to Sepúlveda’s thought is provided by Fernández-Santamaria, “Juan Ginés de Sepúlveda on the Nature of the American Indians.” See also id., *The State, War and Peace*, 196-236.

natural law applies, without exception, to all nations and that it is entirely impossible to be invincibly ignorant of this law.<sup>52</sup> Furthermore, Sepúlveda holds, fully in line with orthodox theology, that God's revelations to his chosen people, as recorded in the Old Testament, belong to both divine and natural law.<sup>53</sup> Hence, all people are always and invariably subject to these precepts, which included prohibitions against idolatry and human sacrifice. Moreover, biblical precedent suggests that gross violations of these basic rules are rightfully punished with the horrors of war. Thus, speaking of the Indians currently under Spanish rule, Sepúlveda concludes:

These barbarians were [until recently] implicated in committing the gravest sins against the law of nature, *of which no one may be licitly ignorant* [my emphasis]. God, on account of these same crimes, annihilated the sinful nations, once inhabiting the Promised Land, which were universally guilty of idolatry and prevailing so of human sacrifice.<sup>54</sup>

This, in a nutshell, is the core of Sepúlveda's argument: the Indians are inexcusably guilty of violating the natural law. Even if the American natives, to some extent, resemble immature children, their ignorance remains entirely their own fault; and just as it was fitting and natural for the civilized, yet pagan Romans to conquer many barbarian nations, so

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52 Fernández-Santamaria, "Juan Ginés de Sepúlveda on the Nature of the American Indians," 435.

53 Sepúlveda, *Democrates secundus*, 40: "Quae quamquam filijs Isrrael praecepta sun eandem tamen legem esse non solum divinam, sed etiam naturalem et ad omnes gentes pertinere, deus ipse declaruit, testatus se gentes illas peccatrices ob eadem scelera delevisse."

54 Sepúlveda, *Apologia*, 332-33: "Respondetur: Optimo jure isti barbari a Christianis in ditionem rediguntur. Primum: [...] Secundo: Isti barbari implicati erant gravissimis peccatis contra legem naturae, cujus ignoratio nemini suffragatur, propter quae Deus delevit gentes peccatrices, quae terram promissionis incolebant, cuncti enim idolorum cultores erant, et plerique omnes immolabant victimas humanas."



should the more virtuous Spaniards rule over the vicious and uncultured inhabitants of the New World.<sup>55</sup>

Sepúlveda does not advocate the extermination of the Indian nations. Once properly subjected, the Indians, despite being *servi*, are nonetheless (contrary to chattel slaves) to a certain extent *homines politici*, “although,” as a modern scholar has pointed out, “not in the perfect civil sense reserved for those fated by nature to rule.”<sup>56</sup> To a limited degree, then, Sepúlveda’s proposed solution to the problem of Indian immorality is one of moderation. The deliberate and willful evil of idolatry and human sacrifice is not to be punished by death or the collective degradation to the legal status of draft animals, but rather by a period of servitude. If the Indians, after some time, are able to mend their ways, they will eventually merit a more liberal treatment.<sup>57</sup>

More generally speaking, Sepúlveda’s argument is framed in the familiar language of medieval *tolerantia*: the lesser evil is tolerated as to avoid the greater. Furthermore, it is possible, Sepúlveda contends, to distinguish between the lesser and greater evil by using one’s “right reason.”<sup>58</sup> Concretely, this means that since all infidels will suffer eternal

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55 Sepúlveda, *Democrates secundus*, 33: “Virtutibus igitur veterum Romanorum crevisse ipsorum imperium dei providentia, idem Augustinus apertius alio in loco testificatur. [...] Ut igitur ad propositum redeamus, si meliores, et natura moribusque et legibus praestantiores ius est, et fas, deterioribus imperare, intelligis [...], si modo nosti gentis utriusque mores, et naturam optimo iure Hispanos istis novi orbis, et insularum adiacentium barbaris imperitare, qui prudentia, ingenio, virtute omni, ac humanitate tam longe superantur ab Hispanis, quam pueri a perfecta aetate, mulieres a viris, saevi, et immanes a mitissimis, prodigiose intemperantes a continentibus, et temperatis.”

56 Fernández-Santamaria, “Juan Ginés de Sepúlveda on the Nature of the American Indians,” 443. See also *ibid.*, n. 26; cf. Sepúlveda, *Democrates secundus*, 119-22.

57 Sepúlveda, *Democrates secundus*, 120: “Nam temporis progressu cum iidem fuerint humaniores facti, et probitas morum, ac Religio Christiana cum imperio confirmata, liberius erunt, liberaliusque tractandi.”

58 *Ibid.*, 91: “Duo mala licet sint omnino cautissime praecavenda, tamen si periculi necessitas ex his unum perpetrare compulerit, id debemus resolvere, quod minore nexu noscitur obligare. Quid autem levius, quidue sit

damnation, it is an entirely rightful Christian duty to compel them to live in a just and proper manner.<sup>59</sup> In other words, the lesser evil of compulsion is to be embraced so as to avoid the greater evil of eternal damnation. Significantly, Sepúlveda has no doubt that his particular definition of “justice” is the right one. Not only does he deem himself sufficiently familiar with both natural and divine law to be able to distinguish between the greater and lesser evil, but he also knows infallibly, like “all people of sane mind,” what the resultant course of action must be.<sup>60</sup>

Like all good Thomists, Sepúlveda was fully aware that Aquinas had argued that Christians could rightfully wage war on infidels, “not in order to force them to believe, but rather to ensure that they would not hinder the faith with blasphemies, evil persuasions or persecutions.” Aquinas, of course, had also maintained that idolatry constituted a “great blasphemy,” as well as a major hindrance to the preaching of the faith.<sup>61</sup> Thus did Sepúlveda make a solid case – relying, significantly enough, on proper theological authority – for the use of force as a fitting remedy for the Indians’ moral failings and lack of civilization. In contrast, Sepúlveda held that peaceful preaching alone would be a far less suitable method.

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gravius, pietatis acumine investigandum est, id est rectae rationis iudicio, et Gregorius: cum mens (inquit) inter minora, et maiora peccata constringitur, si omnino nullus sine peccato aditus patet, minora semper eligantur.”

59 Sepúlveda, *Apologia*, 336: “Omnes autem homines, qui extra Christianam religionem vagantur, aeterna morte perire, si quis dubitat, non est Christianus. Jure igitur barbari salutis suae causa ad justitiam compelluntur. Hoc autem officium dupliciter praestari potest, uno modo per doctrinam tantum et exhortationem, altero vi quadam adhibita, et poenarum metu, non ut credere cogantur, sed ut tollantur impedimenta, quae obesse possent fidei praedicationi, et propagationi.”

60 Ibid.: “Homines periculosissime errantes, et ad suam certam perniciem contendentes, seu ignorantes id, seu scientes faciant, revovare atque etiam invitos ad salutem retrahere, *juris est divini et naturalis, et officium* [my emphasis] quod sibi etiam invitis praestari omnes homines sanae mentes vellent.

61 Ibid., 334: “Quod etiam Divi Thomae doctrina et testimonio comprobatur, qui cum secunda secundae q. 10, a. 8 scripsisset, infideles posse bello a fidelibus compelli, non ut credant, sed ut fidem non impediatur blasphemias, vel malis persuasionibus, aut persecutionibus; post haec q. 94, a. 3 idolatria magnam blasphemiam contineri, et opere fidem impugnari testatur.” Cf. p. 339.

For without the benefit of prior violent intervention, “many great difficulties, of which we have spoken earlier,” Sepúlveda maintains, “will continue to obstruct the preaching of the faith and the conversion of the infidel.”<sup>62</sup> One of these aforementioned difficulties is, “as Aristotle explains,” that it is very hard, if not impossible, to undo “what behavior has impressed [upon the mind], using words alone.”<sup>63</sup> Differently put, the evil habits of the Indians are so entrenched that stronger measures than preaching are necessary to correct them. Hence, despite the fact that war is intrinsically evil, in this particular case it is the proper means to avoid an even greater evil, namely the continuation of Indian idolatry and human sacrifices.<sup>64</sup>

Sepúlveda’s entire argument is thus predicated upon his belief that it is possible, as well as an absolute moral requirement, to know the basic precepts of the natural law. Consequently, idolatry and human sacrifice, both being prohibited by the Decalogue, are “knowable” evils; and the obligation to avoid committing these crimes is therefore absolute. Hence, regarding these and similar offenses, Sepúlveda admits of no invincible ignorance. The Indians do not have it; and neither does he with respect to the guilt of the former. Secure in his certitude, Sepúlveda finds himself able to distinguish the greater from the lesser

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62 Ibid., 345: “Nego commodius barbaros per solam praedicationem ad fidem induci, quam si prius fuerint debellati: quin potius, nisi debellantur, multae et magnae difficultates obsunt praedicationi et conversioni.”

63 Ibid., 340: “Fieri enim non potest, ut Philosophus ait, ‘aut non facile fit, ut ea verbis mutantur, et extrudantur, quae impressa sunt moribus, temporeque diuturno retenta.’”

64 Ibid., 345-46: “[...] respondeo: istam rationem nihil magis contra hoc bellum facere, quam contra cetera, quacumque ratione fuerint illata: vix enim umquam bellum gestum est sine magnis incommoditatibus et jacturis, sine aliqua injuria et maleficio. Ceterum non si difficile est bellum, et ex causa justa, gerentem injurias et maleficia cavere protinus est impossibile; [...] Quod si pericula etiam et peccandi occasiones Christianis legibus vitare jubemur, non tamen cum majus alterum malum vitare eodem tempore necessitas adhortatur, aut si aliorum vocet publica et magna commoditas. Nam licet nemo possit in eas angustias compelli, ut peccare sit illi necesse, si tamen duo praecepta simul urgeant, quae simul adimpleri nequeunt, qui graviori paret, altero praetermisso non peccat [...]”

evil; accordingly, he may safely advocate a course of action with many negative consequences, as long as, in his estimation, the good outweighs the evil.

Las Casas' ideas about certitude and ignorance were rather different than Sepúlveda's. This dissimilarity in epistemological outlooks allowed Las Casas to justify and propose an altogether different solution to the (perceived) problem of Indian immorality. Before further addressing this subject, we must first provide a brief sketch of his biography.<sup>65</sup>

Las Casas first arrived in the New World in 1502, participated in the ongoing Spanish conquest, and soon became an *encomendero* on the island of Hispaniola. In 1514 he experienced a profound change of heart, freed his Indians and quickly became a staunch defender of the Amerindian natives. His officially sanctioned attempts, during the years 1520-1522, to peacefully convert the Indians of the Venezuelan Pearl Coast were, however, unsuccessful. After this disappointment, Las Casas entered the Dominican Order and seems to have temporarily withdrawn from public life. During the 1530's he reentered the fray and began advocating the promulgation of Charles V's New Laws. In 1543 Las Casas became bishop of Chiapas, but returned to Spain only a few years later, never to set foot in the Indies again. During his remaining years, until his death in 1566, he continued to support the Indians' cause and to plead for their better treatment – most notably against Sepúlveda in Valladolid in 1550.

Of Las Casas' many writings, we will consider first and foremost his *Apology Against the Persecutors and False Accusers of the Peoples of the New World*, or *Apologia* for short, which he is

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65 For Las Casas biography, see e.g. Giménez Fernández, "Fray Bartolomé de Las Casas," Gutiérrez, *Las Casas*.

reputed to have read word for word to the judges at the Valladolid.<sup>66</sup> This text consists, roughly speaking, of five parts of unequal length. In the first part (chapters 1-5), Las Casas argues that the Indians are not barbarians in a sense that would qualify them for natural slavery. In the second part (chapters 6-14), Las Casas undercuts several of Sepúlveda's arguments for warfare against the Indians by maintaining that Christians in many instances lack the proper jurisdiction to punish idolaters for their unbelief. Yet, Las Casas also admits that Christians sometimes *do* possess the jurisdiction to punish unbelievers, although the situations in which this would be lawful either do not apply to the Indians (chapters 15-28), or would result in severe violations of the moral imperative to avoid the greater evil (chapters 28[bis]-38). Lastly and most extensively (chapters 39-63), Las Casas argues that warfare or other forms of compulsion are intrinsically unsuited for spreading the Christian faith. Las Casas therefore concludes that not a single legitimate argument remains for inflicting the horrors of war upon the Indians.

Two of the above-mentioned parts of the *Apologia* are particularly relevant to this study, namely Las Casas' discussion of natural slavery and his explanation for why Christian Spaniards – even if they have rightful jurisdiction over the infidel Indians – should forgo exercising said jurisdiction. On the first point, Las Casas commences his argument by explaining that there is not one, but rather four kinds of barbarians. To the first kind belongs any cruel, merciless individual. The second kind of barbarian includes those who are illiterate or speak an incomprehensible language. The third kind comprises all barbarians in the “proper and strict meaning of the word.” All non-Christians are barbarians of the fourth

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66 The full title of this text is *Adversus persecutores et calumniatores gentium novi orbis ad oceanum reperti apologia admodum reverendissimi domini fratris Bartholomaei Casaus, Episcopus quondam Chiapensis, sancti Ordinis Praedicatorum*. See Las Casas, *Apologia*, 76.

kind.<sup>67</sup> According to Las Casas, only the barbarians of the third class were considered by Aristotle to be natural slaves.<sup>68</sup> The bishop of Chiapas describes these “true” barbarians as follows:

The third kind of barbarian, in the proper and strict meaning of the word, are those who either on account of their impious and wicked character, or because of the detrimental nature of the region which they inhabit, are savage, ferocious, dull-witted, stupid, and strangers to reason. They are governed by neither law or right, do not cultivate friendships, have no state or community with any kind of political organization. [...] Indeed, they live spread out and scattered in the woods and wild mountains, content with their mates only, just as not only tame, but even wild animals do.<sup>69</sup>

Yet the Indians, Las Casas remarks, long before the arrival of the Spaniards possessed “properly organized states, wisely ordered by excellent laws, as well as religion and established customs.” Moreover, they “cultivated friendship and, joined together in fellowship, inhabited populous cities.”<sup>70</sup> Obviously, then, even if it must be admitted that the Indians are indeed barbarians, they are nonetheless capable of lawful and proper

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<sup>67</sup> Las Casas, *Apologia*, 80-124.

<sup>68</sup> Ibid., 122: “Proprie autem barbari sunt illi de quibus in tertia specie disseruimus, nimirum stupore mentis obruti, stolidi, a ratione alieni, incapaces, immanes, efferi, pravis moribus, corrupti, seditiosi vel natura, vel prava peccandi consuetudine, et de his nominatim loquitur Philosophus (1o *Politicorum*).”

<sup>69</sup> Ibid., 88: “Tertia barbarorum species propria ratione et stricte sumpto vocabulo est eorum hominum qui vel impio et pessimo ingenio vel ex infelicitate regionis quam incolunt sunt saevi, feroces, stolidi, stupidi, a ratione alieni, qui neque legibus vel iure gubernantur neque amicitiam colunt neque rempublicam aut civitatem politica ratione constitutam habent [...] Immo vivunt dissipati et sparsi nemora et montes incolentes, contenti tantum feminis suis quemadmodum faciunt animalia, non solum mansueta verum etiam fera.”

<sup>70</sup> Ibid., 104-6: “[Indi] respublicas etiam longe antequam hispanicum nomen audiissent recte institutas habebant, nimirum optimis legibus, religione, et institutis, sobrie compositas, amicitiam colebant, et in societatem vitae coniuncti longe maximas incolebant civitates.”

government. In so far as they ought to be ruled by others, it is only so as to be taught about the Catholic faith and to be prepared for the holy sacraments.<sup>71</sup>

Considering the preceding paragraphs, it should be noted that Las Casas, like Vitoria and Sepúlveda, does not fundamentally question the concept of natural slavery or the existence of natural slaves. He merely concludes that, on account of the perfection of God's creation, such beings are exceedingly rare, whence the very numerous Indians cannot be *servi a natura*.<sup>72</sup> Yet, natural slaves, even if in small numbers, do seem to exist; and their miserable condition, Las Casas maintains, is either caused by their (inherited?) nature, or by the "vicious habit of sinning."<sup>73</sup> Again, the humanity of natural slaves is never in question. Obviously, some of them are able to sin. Additionally, all of them are "our brothers" and "neighbors."<sup>74</sup> Thus, while specifically denying that the Indians are natural slaves, Las Casas nonetheless admits that natural slavery is a valid concept. Even more importantly, Las Casas seems to accept faulty habituation as its underlying cause. Hence, proper habituation, in its

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71 Ibid., 104: "Non ergo ex eo quod Indi barbari sint, regni incapaces existunt et necessario ab aliis gubernari debent, nisi doceri de Catholica fide ac sanctis sacramentis initiari."

72 Ibid., 92-94: "Cum Deus bonus et omnipotens, pro sua in genus humanum caritate, omnia creavit in utilitatem hominis illumque tot dotibus instructum peculiari voluntate et cura, ut diximus, protegat eiusque actus dirigat et intellectum uniuscuiusque illuminet et pro captu sibi dato ad virtutem disponat; unde natura rationalis, a solo illo opifice vim habens, necesse est ut in plurimum homines optimis ingenii dotibus perfectos raro stupidos aut barbaros habeat. [...] Quis ergo impius in Deum et naturae contumeliosus ausit scribere infinitam oceanum incolentium multitudinem barbaram, feram, incultam et stupidam esse, cum si recta ratione aestimentur, caeteros mortales multitudine multo maxima superent [...] Ergo huiusmodi barbaros quos in hac tertia specie statuimus, rarissimos esse constat cum talibus ingeniis, qui neque Deum quaerere neque eum cognoscere neque invocare neque amare possint neque doctrinae neque fidei neque caritatis quoad exercitium harum virtutum capaces esse."

73 See above n. 68.

74 Las Casas, *Apologia*, 98: "His barbaris, simpliciter, stricte, ac proprie barbaris, accomodandum est quod Philosophus dicit (1o *Politicorum*) [...] Subiicit Philosophus licitum esse huiusmodi barbaros, tamquam feras, aucupari seu venari ut ad rectam vitae rationem adducantur. [...] advertendum quod barbari non ut Philosophus rigide inquit, cogendi, sed blande adducendi et alliciendi caritate sunt ad optimos mores suscipiendos. Iubemur enim divina institutione diligere proximum sicut nos ipsos, et cum vitia nostra blande curari et evelli vellimus, idem fratribus nostris, etiam si barbari sint, praestare debemus."

Aristotelian sense, could improve the condition of the Indians, who – even though they are not natural slaves – are still unequivocally classified as “barbarians.”<sup>75</sup>

Regarding the best way to civilize the Indians by converting them to Christianity, Las Casas proposes an approach similar to moral habituation. In his treatise *The Only Way to Call All Peoples to the One True Faith* (of which Las Casas may have composed three versions, the final and only extant adaptation perhaps as late as between 1552 and 1559), he argues that “the only way” to draw the Indians to the faith is by gentle and suave persuasion.<sup>76</sup> After all, the best way to move certain things to fulfill their natural ends is to move them in accordance with their own nature.<sup>77</sup> Furthermore, those things which are part of the faith and the Christian religion cannot be understood naturally (i.e. they are not self-evident), but rather require a deliberate act of the will to be believed.<sup>78</sup> Additionally, Las Casas maintains

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75 Hence, I would argue, contrary to Hanke and agreeing with O’Gorman, that Las Casas’ ideas are to a significant degree influenced by Aristotelian concepts. Moreover, Hanke’s juxtaposition of “Aristotelian” and “Christian” thought must, as evidenced by the far-reaching synthesis of the two in scholastic theology, be considered fundamentally flawed. For Hanke’s argument see his “Bartolomé de Las Casas, an Essay in Hagiography and Historiography,” *Hispanic American Historical Review*, 33 (1953), 136-51: 144-47; id., *Aristotle and the American Indian*, 57-58.

76 Bartolomé de Las Casas, *De unico vocationis modo omnium gentium ad veram religionem*, ed. Paulino Castañeda Delgado and Antonio García del Moral, OP, *Obras completas*, vol. 2 (Madrid 1988), 16 and *passim*. Regarding the date of composition, various theories have been proposed, none of which is altogether convincing. See the introduction to the critical edition, x-xii. However, more recently the editors of an English translation of Las Casas’ text have proposed that the author wrote three versions, each longer than its predecessor, in 1534, 1539 and between 1552 and 1559. The single extant manuscript, it is argued, contains the most recent adaptation. Unfortunately, the editors have attempted to “reconstruct” an earlier version, because, remarkably enough, they deemed certain parts of the extant text “incomprehensible or boring.” See Bartolomé de Las Casas, *The Only Way*, ed.-transl. Helen Rand Parish and Francis Patrick Sullivan SJ (New York and Mahwah 1992), textual appendices I and III, 211-21; 233-43.

77 Las Casas, *De unico vocationis modo*, 24: “Modus naturalis movendi et dirigendi res naturales ad bonum proprium naturale est ut moveantur et dirigantur seu trahantur secundum uniuscuiusque modum et naturam, quemadmodum Philosophus docet secundo Physicorum.”

78 Ibid., 40: “Cum igitur ea quae sunt fidei et Christianae religionis sint de his, non quae naturaliter intelliguntur, sed quae voluntarie creduntur [...]”



it is natural that an act of the will is preceded by cognition.<sup>79</sup> Hence, the voluntary acceptance of Christianity must be preceded by a slow process of gaining knowledge, because “those things that are of the faith” are not immediately manifest to the intellect. Thus, in order to accept the Christian religion, one must first train one’s reasoning powers in reaching proper conclusions. This step requires that one free oneself from the annoyance and disturbance of one’s irrational passions, which impede reaching proper conclusions.<sup>80</sup>

Because the sincere acceptance of Christianity demands a real effort on behalf of the convert, the missionary, Las Casas warns, must be aware that bringing infidels to the faith closely resembles the process by which a teacher leads his students to *scientia*.<sup>81</sup> With the help of a capable teacher, the potential convert, not unlike a student, may slowly move from particular sense perceptions to general knowledge; and thence from one conclusion to the next, eventually gaining knowledge of things that are unknowable directly.<sup>82</sup> This actual knowledge – regardless of whether it has been gained through proper reasoning or faith – is

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79 Ibid., 44: “Appetitus voluntaris, cuius omnium actuum amor est principium et radix, sequitur cognitionem.”

80 Ibid., 40-42, immediately following the lines cited in n. 78, the text continues as follows: “cum non statim intellectui manifesta esse vera existant, utpote transcendentia omnem naturae facultatem, oporteatque precedere ratiocinationem ad credendum esse vera, scilicet, quod prius ratio libere ratiocinetur, libera, inquam, a qualibet molestia vel perturbatione quator passionum predictarum, quae possint rationem perturbare et impedire ne libere inquirere, dubitare, discurrere de uno intellecto in aliud valeat.”

81 Ibid., 58: “Modus inducendi homines ad religionem Christianam et fidem similis est vel esse debet modo ducendi homines ad scientiam [...] Consequentia clara. Maior patet ex tribus. Primo, quia utrobique habet intervenire doctrina magistri et auditio sive disciplina discipuli.”

82 Ibid., 66: “Unde sicut naturalis principiorum indiget homo, ut cognitio determinetur per sensum et iuvetur per docentem explicando dicta principia communia et applicando ea ad determinatas materias. Et inde procedit in aliquas conclusiones et ex his in alias, proponendo etiam aliqua sensibilia exempla vel similia, ex quibus intellectus addiscentis manuducitur in cognitionem veritatis et confortando eius intellectum in quantum proponit ei ordinem principiorum ad conclusiones, quia istum discursum rationis, quam in se facit, ratione naturali, alteri exponit per signa; et sic ratio naturalis discipuli per huiusmodi sibi proposita, sicut per quaedam instrumenta, lumine naturali mediante, pervenit ad cognitionem incognitorum.”

potentially present in all human beings. These “seeds of knowledge” may be actualized, Las Casas claims, in the same way as virtues are cultivated through Aristotelian habituation.<sup>83</sup>

Yet, besides the peculiarities of Christianity, many other things, according to Las Casas, require a process of intellectual habituation to be fully known. While Sepúlveda held that actions such as idolatry and human sacrifice are clear violations of what is right and just, Las Casas argues that such deeds are indeed wrongful violations of natural law – but *not* evidently so. The fact that the Indians are ignorant of certain moral precepts may be explained by their lack of proper education, or, in other words, their deficient intellectual habituation. Since the Indians, through no fault of their own, lacked capable teachers, their moral ignorance is invincible and therefore, Las Casas concludes, entirely excusable. The following examples from his *Apologia* illustrate these conclusions further.

Las Casas first addresses the problem of Indian idolatry. He admits that, generally speaking, the pope has the right to punish those who violate natural law by worshipping idols, “because it is natural to worship the one and only God, the Creator, and not creatures.”<sup>84</sup> Yet, this opinion, Las Casas argues, must be qualified. Not all idolaters are subject to papal punishment:

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83 Ibid., 64-66: “Sicut igitur scientia, quae acquiritur, presupponit in nobis scientiarum semina, id est principia universalia, de quibus dictum est, ex quibus magister vel doctor mentem discipuli educit ut actu cognoscat particularia, quae prius in potentia et confuse atque quasi in universali cognoscobat, ita fides presupponit cognitionem, quae de Deo potest haberi in hac vita, et ea quae ratio probare potest, inclinationemque ac desiderium naturale ad bonum et ad scientiam et ad hoc quod veritatem intelligat homo, potissimum de Deo, et similiter ad agendum et vivendum secundum virtutum. Unde Philosophus, 2 *Ethicorum*, probat quod virtutes in nobis sunt a natura et etiam scientiae, secundum aptitudinem et inchoationem, in quantum in ratione hominis insunt naturaliter quaedam principia naturaliter cognita, tam scibilium quam agibilium seu agendorum, quae sunt quaedam intellectualium virtutum et moralia semina et, in quantum in voluntate, inest quidam appetitus boni, quod est secundum rationem.”

84 Here Las Casas follows an opinion of Innocent IV. See the former’s *Apologia*, 254: “naturale est unum et solum Deum Creatorem colere et non creaturas.”

It would be illicit for [the Indians] to be punished, at least by human judgment, merely because they worship idols.

Our conclusion is proven thus: (1) nobody is licitly punished, at least by human judgment, who is invincibly or probably ignorant that the act he performs is prohibited, or that the act he fails to perform is obligatory – even if these acts concern the faith. (2) Yet, those idolatrous infidels, about whom we are currently speaking, are invincibly or probably ignorant. (3) Therefore [it is proven that] it is illicit to punish them, at least by human judgment, merely because they worship idols.<sup>85</sup>

In order for this argument to hold, Las Casas must still prove that the ignorance of the Indians is indeed invincible, or otherwise “probable,” rather than vincible. He does so as follows:

The minor premise [i.e., the second postulate] of this argument is obvious, because the first principle or first truth we must know about God is that God is one and that he alone is God. God’s existence, however, is not self-evident and even less evident is the fact that there is only one God, since this truth is not so clearly patent from nature that, knowing the argument, we would immediately, without any further reasoning, assent to the proposition “God exists and he is the only God,” in the same way that we would, seeing a whole and one of its parts, immediately acknowledge that every whole is larger than one of its parts. Whence the proposition “God exists and he is the only God,” albeit true and necessary, is not self-evident. Instead, we hold this proposition on faith.<sup>86</sup>

Although it is nonetheless true that the knowledge of God is naturally implanted in the minds of all human beings, this knowledge, Las Casas argues, is very general and

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85 Ibid., 254: “Illicite punirentur, saltem iudicio humano, infideles (de quibus nobis praesens sermo est) propter hoc dumtaxat quod idola colant. Probatur conclusio sic: Nemo licite puniri potest, saltem humano iudicio, ignorans invincibiliter vel probabiliter actum quem facit esse prohibitum aut quem omittit esse praeceptum, etiam circa fidem. Sed infideles, de quibus loquimur, colentes idola, ignorant invincibiliter seu probabiliter. Ergo illicite punirentur, saltem humano iudicio, propter hoc dumtaxat quod colerent idola.”

86 Ibid., 256: Minor huius rationis patet quia primum principium seu prima veritas, quae de Deo vero haberi oportet, est quod Deus est unus et solus. Sed Deum esse non est per se notum et longe minus quod sit unicus vel solus, quia nec insitum in rerum natura ita quod cognitum terminis statim sine aliquo discursu assentiamur illi propositione ‘Deus est solus,’ sicut visis toto et parte statim agnoscimus quod omne totum est maius sua parte. Unde haec propositio ‘Deus est et unicus’ non est per se nota, licet sit vera et necessaria, sed tenemus eam ex fide.”

muddled.<sup>87</sup> Hence, the Indians are incapable of divining God's true nature, because matters of faith are "beyond every faculty of nature." Their ignorance, then, is invincible.<sup>88</sup> Regarding the possibility of having natural knowledge of God, Las Casas' position, instead of resembling Aquinas', thus echoes the writings of such "nominalist" authors as Ockham, Holcot and Biel.<sup>89</sup>

Furthermore, even if the Indians' ignorance is not invincible under each and every conceivable circumstance, their ignorance would nonetheless remain "probable" – and therefore equally exculpatory. Since all the Indian authorities, both spiritual and secular, were equally unable to arrive at theological truth, they commanded their subjects to observe an idolatrous religion. Thus, the errors of the common people were confirmed by public authority and thus made probable.<sup>90</sup> Concerning probable errors, Las Casas, following Aristotle, maintains that what is deemed to be true, either according by all, by the majority,

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87 Ibid., 262: "Ad quod dicendum est verum esse quod cognitio Dei communis inserta est naturaliter mentibus hominum. Sed illa est valde confusa et universalis et quae solum ostendit esse aliquem ordinatorem rerum quas videamus currere secundum ordinem quandam."

88 Ibid., 256: "Ille ignorat invincibiliter et sic excusatur a culpa qui per seipsum vel interrogando alios non potest illam ignorantiam vincere. Sed eiusmodi infideles per seipsos non possunt ea quae sunt fidei divinare, cum sint supra omnem facultatem naturae."

89 Oberman, *Harvest*, 40-41 (see esp. n. 34), 237. See also id., "*Facientibus*." More specifically, compare e.g. Biel, *I Sent.* d. 3, a. 2, I 223-24: "Propositio 'Deus est', quam pro statu isto formamus, non est per se nota. Probatur: Quia est dubitabilis. Dixit enim insipiens: 'Non est Deus'" [cf. Ps 13:1; KJV 14:1], with Las Casas, *Apologia*, 256: "[...] quod a multis concipientibus terminos negatur non est per se notum. Sed 'Deum esse' est huiusmodi ut in Psalmo 130: 'Dixit insipiens in corde suo: non est Deus.' Ergo 'Deum esse' non est per se notum."

90 Las Casas, *Apologia*, 258: "Similiter nec [infideles] habent quem nec quos interrogent a quo vel a quibus doceantur, ut supponimus, cum omnes sint carentes fide et omnes idola colant. Quinimo habent suos sacerdotes et suos theologos [...] qui tamen eadem ignorantia laborantes docent fidei contraria. Habent denique suos reges, dominos, et magistratus qui legibus suis religionem illam et idolorum cultum et caeremonias stulte praecipiant observare sicut publica freti auctoritate. Nam error populi confirmatus principis auctoritate facit ius et excusat [...] et quibus proculdubio errores suos reddunt probabiles."

or by the wise is to be accepted as probable. Anything that is probable according to this definition may, from a moral perspective, be conceived as if true:<sup>91</sup>

For [people] are not obligated to wander all over the world, in order to search out the wise men of other nations, so that through the latter's advice and authority the particular opinion they happen to follow may be deemed probable. Instead, it is sufficient if they consult their own wise men and elders [...]<sup>92</sup>

Besides the fact that the Indians' ignorance, whether invincible or probable, is entirely excusable, it is also wrong, Las Casas points out, to assume that idolatry is always committed from a wrong intention. In an argument that echoes the views of his fourteenth-century fellow Dominican Robert Holcot, Las Casas claims that under certain conditions one may be entirely excused from engaging in a wrongful form of worship. Just as Holcot had maintained that if the devil would transform himself into an effigy of Christ, it would be possible to earn merit by unintentionally worshipping a transfigured Lucifer, in much the same way Las Casas holds that one may be entirely excused from worshipping idols – as long as one's true intention is to worship God:<sup>93</sup>

If someone would object by saying that worshipping stones instead of God is against natural reason, that this may be concluded from nature alone, and that therefore [idolaters] can neither be

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91 Ibid.: “Probabile quippe est secundum Philosophum (1o *Topicorum* et 1o *Rhetoricorum*): ‘Quod videtur omnibus aut pluribus aut sapientibus. Et iis vel omnibus vel plurimis vel maxime celebribus et probatis.’ Haec ille. Et quod sic est probabile dicitur certum moraliter.” Cf. above chapter 1, pp. 51-52, nn. 119, 120; and below, chapter 7, p. 301-2; chapter 8, p. 329.

92 Ibid.: “Non enim tenentur per mundum vagari, ut quaerant sapientes aliarum nationum quorum consilio vel auctoritate sententia, quam sequi eos contingat, reddatur probabilis; sed sufficit consulere sapientes et maiores suos [...]”

93 For Holcot's conclusions, see above, chapter 3, p. 128-29. See also: Tachau, “Logic's God,” 251-52 and id., “Robert Holcot on Contingency and Divine Deception,” 182-84. All this may be ultimately derived from Scotus' contention that the first table of the Decalogue not so much contains a precept that forbids committing idolatry, but rather – more properly speaking – the prohibition to hate God. See above, chapter 2, n. 96.

invincibly ignorant, nor may be excused, we would respond that the ordinary and ultimate intention of those who worship idols is not to worship stones, but rather by means of these stones, as if they were manifestations of certain divine powers, to venerate, through earnest and dedicated service, the planner of the world, whoever he may be.<sup>94</sup>

Moreover, since the Indians are clearly laboring under invincible or probable ignorance, they have every right to be suspicious of new religious doctrines that radically contradict everything they have been taught to believe. Consequently, it would hardly be virtuous, but rather betraying an improper levity of mind if the Indians would be willing to accept Christianity before the faith is “fully presented and explained by suitable preachers who, on account of the shining examples of their lives, might be believed by a reasonable and prudent person.”<sup>95</sup> The personal virtue of the Spanish missionaries, Las Casas adds, is of paramount importance, perhaps even an absolute necessity, for convincing the Indians of the truth of Christianity. For “nowadays,” he observes, “miracles do not occur.” Thus, the only way to make the Christian faith credible to the Indians is through brightly shining examples of Christian virtue.<sup>96</sup> Unfortunately, the Spaniards conduct themselves all but virtuously. Instead, they rob, steal and loot. Hence, even in the present time, Las Casas concludes, many, if not most infidels are wholly excused from accepting the Christian faith,

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94 Las Casas, *Apologia*, 264: “Et si replicetur quod lapides colere pro Deo est contra rationem naturalem et sic indictum in natura rerum et propterea invincibiliter non ignorare vel excusari posse, respondetur quod communis et finalis intentio eorum qui idola colunt non est colere lapides, sed in ipsis, tamquam in quibusdam divinis virtutibus, illum mundi ordinatorem quisquis sit per religionem venerari.”

95 Ibid., 266: “Diximus superius: ‘donec fides sufficienter ac plene fuerit eis praedicata,’ et caetera, quia nisi fides fuerit eiusmodi negative infidelibus plene proposita et explicata et per ministros idoneos, quibus propter vitae splendorem merito et rationabiliter quisque prudens debeat fidem dare, non tenentur credere. [...] Et ob hanc novitatem rationabiliter possunt de doctrina dubitare, ipsam suspectam habere, ac fidei refutare auditum nec admittere praedicatores, utpote deceptores potius quam verae religionis nuntiatores reputantes; aliter enim essent levissimi cordis secundum Ecclesiastici 19o: ‘Qui cito credit levis est corde.’”

96 Ibid., 268: “Verum quia hodie miracula non fiunt, ideo ad faciendum quae fidei sunt infidelibus credibilia, opus est vita Christianorum operibus virtutis refulgens esse illis exemplo.”

“as long as they would continue to observe the extremely corrupt and detestable conduct of the Christians.”<sup>97</sup>

Regardless of the above conclusions, Las Casas has still one major hurdle to clear in order to argue convincingly – against firmly established doctrine – that the Indian infidels are not to be punished for their idolatry. He offers the following objection against his own findings:

In opposition to all what has been said before, one can assert the common opinion of all holy doctors, namely that regarding those matters of faith and the divine law which are necessary for salvation no invincible ignorance is possible. For if such *ignorantes* would do what is within them, God is ready to enlighten them with his grace. Therefore, if they are not enlightened, it is their own fault, because they fail to do what is within them, and so they sin. Hence, they may be justly punished for that failure, even by a human verdict.<sup>98</sup>

Las Casas further illustrates the apparent validity of this position by citing Aquinas’ argument of the young man who grows up, all by himself, in the woods among the wild animals.<sup>99</sup> Aquinas, as we may remember, had maintained that as long as this young man

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97 Ibid., 272: “Quocirca colligere possumus infidelium plurimos a fidei receptione per multum temporis excusari et forte per totam vitam quantumcunque diuturna extiterit quamdiu viderint Christianorum corruptissimos et detestabiles mores, etiam si cum talibus viri religiosi gratia praedicationis vadant et praedicent actu.”

98 Ibid.: “Potest etiam contra praedicta adduci sententia communis omnium sanctorum doctorum, videlicet, quod circa ea quae sunt fidei et iuris divini necessariae ad salutem, ignorantia invincibilis non potest cadere, quia si facerent quod in se est Deus praesto est ad eos illuminandum per gratiam suam. Ergo si non illuminantur est propter culpam suam, quia non faciunt quod in se est et sic peccant. Ergo iuste propter illud peccatum possunt puniri etiam iudicio humano.”

99 Ibid., 272-74.

would do what is within him, God would either provide some interior inspiration or send a preacher to reveal the things necessary for salvation.<sup>100</sup>

Yet, neither the authority of all holy doctors in general, nor Aquinas' esteemed opinion in particular, could keep Las Casas from arguing that the Indians should *not* be subjected to human punishment for their idolatry. Las Casas' conclusion came at a price, however; for in order to remove the Indians' spiritual crimes from human jurisdiction, he had to deny the possibility of salvation to virtually all Indians – despite their invincible ignorance. Briefly put, Las Casas argues that since God under no circumstance will enlighten those who are predestined to be damned on account of original sin, one may remain invincibly and excusably ignorant of the prohibition to worship idols, as long as one will ultimately suffer damnation for a different reason.<sup>101</sup> The doctrine that no one may be invincibly ignorant of the things necessary for salvation therefore only holds, Las Casas claims, for those whom God has foreordained for eternal life.<sup>102</sup> Thus, in a move with truly radical implications, Las Casas admits that under certain circumstances even those “doing what is within them” may be justifiably skeptical of God's very existence.<sup>103</sup>

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100 See above, chapter 1, n. 105.

101 Las Casas, *Apologia*, 274: “Cum igitur his qui sunt praesciti et tandem cum reprobis damnandi, ex intentione Dei non sit impartiri gratiam vel eos illuminare, quantumcumque se praeparent per liberum arbitrium vel faciant quod in se est, non consequentur gratiam et proinde tunc non peccant gratiam non recipiendo.”

102 Ibid., 276: “Intelligitur ergo illa communis doctorum sententia, scilicet quod circa necessaria ad salutem nullus habeat invincibilem ignorantiam, ‘quia si faceret quod in se est, et caetera,’ de his qui ad vitam aeternam per Dei misericordiam sunt praecordinati.”

103 Hence, it might be argued that Las Casas was far more radical (from a traditional Thomist perspective) than e.g. Robert Holcot. The latter, as Heiko Oberman has pointed out, avoids the labels of “sceptic” and “fideist” only by his contention that sufficient knowledge of God will be inevitably had by doing one's utmost, or in Holcot's own words: *facientibus quod in se est Deus non denegat gratiam*. See Oberman, “Facientibus,” 319ff and id., *Harvest*, 235-48.



In the preceding paragraphs we have encountered a case, i.e., the Indian “crime” of idolatry, in which, according to Las Casas, the Spaniards would have had proper jurisdiction to punish the Indians, if the latter had not turned out to be invincibly ignorant. The Indian custom of human sacrifice, by contrast, offered a more complex challenge to Las Casas’ conviction that the American natives were to be “corrected” only in a non-violent manner. Since it is a Christian duty to protect the innocent from wrongful and barbarian practices such as human sacrifice, the bishop of Chiapas could not deny that the Spaniards had the right to forcefully intervene on behalf of those hapless individuals who were destined to be sacrificed. Yet, as we will see shortly, Las Casas argues once more – both vehemently and innovatively – against drastic Spanish interference.

First of all, Las Casas remarks, the Indians are in probable error about human sacrifice. Since the practice is lawfully established by their authorities and, moreover, because this custom used to be widespread among the pagan peoples of Antiquity, it is entirely excusable that the Indians believe human sacrifice to be licit.<sup>104</sup> Furthermore, human sacrifice, according to Las Casas, is not evidently against natural reason. For “it is obvious,” he writes, “that human beings are obligated by natural law to honor God through the most excellent and best things available and to offer these best things as sacrifice.”<sup>105</sup> Although the offering of sacrifice to God is commanded by natural law, which things are to be offered is determined by human law and positive legislation. Hence, it is up to the community as a

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104 Las Casas, *Apologia*, 422: “Et signanter etiam errant probabiliter circa consuetudinem immolandi humanas victimas, quoniam omnes fere gentes idem facere solitas testantur vetustae historiae tam ethnicorum quam etiam Catholicorum.” Almost a century later, the Spanish administrator Juan de Solórzano Pereira (1575-1654) would still propose this same argument. See: Muldoon, *The Americas in the Spanish World Order*, 92.

105 Las Casas, *Apologia*, 432: “Ex his liquet homines naturali iure teneri per excellentiora ac meliora Deum honorare ac de melioribus sacrificium offerre.”

whole, its rulers, or, lacking any legislation, each private individual to decide what is to be sacrificed to God.<sup>106</sup> Considering that nothing in nature is more valuable than human life, the following conclusion is inescapable:<sup>107</sup>

Therefore, nature herself dictates and teaches those who lack faith, grace and Christian doctrine, who live within the limitations of the light of nature, that, in the absence of any positive law to the contrary, they are obliged to sacrifice human beings to the true God – or to their false god if he is thought to be true – so that, by offering a supremely precious thing, they are found more grateful for the many divine favors they have received.<sup>108</sup>

That human sacrifice is not entirely unreasonable is further – and according to Las Casas, most persuasively – illustrated by the fact that God commanded Abraham to sacrifice his only son Isaac. Although it is clear, Las Casas argues, that God never had the intention to see Isaac killed, his command to Abraham nonetheless indicated that such an action would not have been unjust. “For God is the maker of every creature and all creatures are his possession.”<sup>109</sup>

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106 Ibid., 434: “Supponendum est quod offerre sacrificium Deo vero vel illi qui Deus aestimatur est de iure naturali; quae autem res sint Deo offerendae lex est humana et constitutio positiva. Unde vel hoc relinquatur toti communitati aut eius vices gerenti, ut principi, vel si hoc desit, cuilibet personae particulari committitur ex qua vel quibus rebus suum conficiat sacrificium.”

107 Ibid., 442: “sed secundum humanum iudicium et veritatem vita hominum et ipsis hominibus nihil in rebus est pretiosius vel maius.”

108 Ibid.: “Ergo ipsa natura dictat et docet eos qui fide, gratia vel doctrina carent, omni positiva lege in contrarium cessante, qui existunt intra limites luminis naturalis, Deo vero vel falso si pro vero aestimatur, etiam victimas humanas debere immolare et sic rem pretiosissimam offerendo pro tot receptis beneficiis grati magis reperiantur.”

109 Ibid., 452: “non esse omnino abominandum immolare Deo homines suaderi potest, per illud quod Deus iussit Abraham, ut unicum filium suum Isaac sibi immolaret. Quod, quamquam ex verbis Sacrae Scripturae (Genesis 22o c.) et ex interpretatione sacrorum doctorum constet Deum iussisse ut ostenderet hominibus fidem et obedientiam servi sui Abraham [...], nihilominus tamen dicere possumus Deum etiam voluisse significare nequaquam ulli facere iniuriam si iussisset sibi eum in sacrificium offerri. Deus enim auctor est omnis creaturae et omnes creaturae possessiones sunt eius.”

Thus, Las Casas concludes that with regards to human sacrifice the Indians are not willingly and consciously violating the most basic precepts of natural law, but instead labor under an excusable and invincible ignorance. Consequently, their error should be responded to with forbearance.<sup>110</sup> Since the Indians are excused by their ignorance, and because ending human sacrifice through war would result in the death of countless individuals who would thus be denied the opportunity for salvation, the Spaniards must refrain from violent interference: “Who but a man clearly wicked or foolish,” Las Casas exclaims, “urges a cure that is worse than the disease? Who, in order to prevent a few from being sacrificed to idols, desires that countless souls, undeserving of such a fate, perish for all eternity?”<sup>111</sup> Hence, even if war were the one and only method by which human sacrifice could be stopped, the Spaniards may not commit to such a course of action, because “the interest of the many comes before the interest of the few.”<sup>112</sup> In other words, it is better that many are given the opportunity to earn salvation than that a few individuals (whose souls will perish anyway) will be saved from being sacrificed.<sup>113</sup>

Based on the preceding discussion, we may now conclude that Las Casas’ argument against waging war against the Indians is predicated upon his belief that such a policy would constitute the greater evil, while, concurrently, the much slower approach of peaceful conversion would be the lesser evil. This conclusion is derived from two notable

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110 Ibid., 456: “Ex superioribus probatur eos qui ultro patiuntur sese immolari, ut sunt communiter plebei, et ministros qui eos diis immolant, principum vel sacerdotum iussu, excusabilem et invincibilem habere ignorantiam parcendumque esse illorum errori.”

111 Ibid., 462: “Quis, nisi plane sit impius vel stultus remedium admittat gravior morbo? Quis ne pauci immolentur idolis velit animas, nihil tale meritas, perire in aeternum innumerabiles?”

112 Ibid.: “utilitas plurimorum praefertur utilitati paucorum.”

113 Ibid., 462-68.

assumptions. First of all, the Indians' apparent violations of both divine and natural law may be excused on account of their invincible ignorance; and hence, there are no legitimate grounds for punishing them for their idolatry and human sacrifice. Second, Las Casas admits that his own conclusion that most, if not all, Indians are invincibly ignorant, means that he himself – despite being a civilized, enlightened and learned friar, bishop and courtier – is invincibly ignorant as well! He is no longer able to judge reliably the presence or even extent of the Indians' guilt:

As is evident from what has been said, it is difficult, indeed impossible, to find out or to discern between those who cannot excuse themselves on account of their invincible ignorance and those who are rendered guiltless by it. Therefore, determinations of this kind belong not to human, but to divine judgment, because God knows and judges what is hidden. Moreover, he who presumes to judge uncertain and unsolvable matters usurps divine judgment. Matters which God has reserved for his own judgment must remain free of condemnation by human determinations.<sup>114</sup>

In much the same way as Vitoria had, Las Casas thus came to stress the inability of the *litteratus* to reliably judge the actions of the (infidel) *rusticus*.<sup>115</sup> Additionally, the application of the concept of invincible ignorance to real-life situations meant that in an ever growing number of cases – even when it could be reasonably expected that some guilt ought to be assigned – judgment ought to be left to God alone.<sup>116</sup> As evidenced by Las Casas,

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114 Ibid., 276: “Tum quia, ut ex dictis apparet, incertum est, immo impossibile esset invenire aut discernere eos qui se ignorantia invincibilis tueri non possunt ab illis qui ea redduntur inculpabilis. Et ideo huius discrimen humani iudicii non est sed divini, quia secretorum cognitor et iudex est Deus. Et divinum iudicium usurpat qui incerta et dubia iudicat, nec potest humano condemnari examine quod Deus suo reservavit iudicio.”

115 For Vitoria's argument see above, chapter 1, pp. 50-52.

116 See e.g. above, pp. 230-231, n. 101. More generally, in his *Apologia* Las Casas repeatedly mentions situations in which judgment must be left to God. Besides the preceding quotation, see also e.g. above, p. 225, n. 85, and *Apologia*, 456: “Quod si in huiusmodi immolationibus Deum offendunt, ipse solus hoc peccatum immolandi homines puniet.”

human authorities could feel increasingly obligated to tolerate what they once would be tempted to suppress by force. This was not because these authorities were more willing to welcome deviant behavior, but rather because, in their role as moral gatekeepers, they could no longer trust themselves to be sufficiently infallible. Las Casas, I would argue, provides an early and influential example of this development.

### Conclusion

Looking back, we may now draw several conclusions. First of all, we should be aware that Sepúlveda and Las Casas shared virtually identical goals: both wished to civilize and convert the American Indians. Yet, at the encounter at Valladolid they advocated divergent approaches to their aims, relying on contradictory evaluations of the extent of the Indians' guilt. After all, the answer to the question whether the American natives committed their "crimes" willfully or ignorantly, would, of course, determine the most suitable method for remedying their obvious moral failings. In the former case, war and conquest, despite the inevitable killing and destruction, would be the lesser evil and thus the appropriate response; in the latter situation, peaceful conversion, notwithstanding the concomitant necessity of temporarily tolerating idolatry and human sacrifice, would constitute the least harmful of the available options.

Moreover, the perceived absence or presence of invincible ignorance among the Indians also contributed to our protagonists' favoring one particular course of action over the other. Sepúlveda denies that the original denizens of the New World could be invincibly ignorant of the prohibitions against idolatry and human sacrifice. He has no doubt regarding the Indians' guilt; and he may thus safely condemn them to severe and violent punishments. Las Casas, by contrast, admits the possibility of such ignorance. As a result, the Indians' guilt

is either unclear or perhaps even entirely absent. Consequently, the safer course of action is to leave judgment to God, who, unlike human judges, does not make mistakes. In other words, since human judges are unable to reliably determine whether ignorance is vincible or invincible, and therefore whether an accused individual is guilty or not, punishment (which may be entirely undeserved) becomes the greater evil and non-punishment the lesser evil. Not only does this mean that Las Casas urged *tolerantia* in cases in which Sepúlveda would not have, but also that he possessed somewhat fewer pretensions to know “right” objectively, i.e., to know what is right invariably, absolutely, and independent from any particular circumstances. Furthermore, by leaving judgment to God as a matter of principle, Las Casas, in effect, advocated the creation of legal protections that were predicated on the possibility of invincible ignorance within the subjects of said protection. This, I would argue, exemplifies one of the formative, if not decisive stages in the development from objective, *via* subjective, to human right.

More specifically though, the preceding discussion allows us to draw some further conclusions about the thought of the protagonists at Valladolid. Las Casas, for example, is remarkable positive about the pagan Indians. “Their laws,” he writes, “in many ways surpass ours and could have won the admiration of the sages of Athens.”<sup>117</sup> Furthermore, the American natives are more skilled in the mechanical arts than any other known people. Even in the liberal arts, which they have only recently started to learn, they are proving themselves conspicuously adept.<sup>118</sup> The Indians, however, may be fittingly portrayed in such a positive

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117 Las Casas, *Apologia*, 106: “[...] nimirum gubernati legibus, quae plurimis in rebus nostras superant, et Athenarum sapientibus admirationi esse possent.”

118 Ibid., 106-8: “Praeterea, mechanicae cuiusque artis ita periti sunt ut optimo iure cunctis cogniti orbis gentibus hoc nomine praeferri debeant [...] Artium liberalium in quibus eruditi hactenus fuere, veluti grammaticae et logicae, insigniter periti sunt.”

light, because, contrary to, for instance, the uncivilized, yet Christian rustics of the Spanish countryside, their ignorance was invincible. Hence, while the Indians are “innocent, meek and modest,” their conquerors, lacking such an excuse, are “savage, ambitious, proud, avaricious and completely out of control.”<sup>119</sup> Thus, if only on account of the Indians’ invincible ignorance, the conquest of the New World should not be considered a continuation of the Reconquista. Tellingly, Las Casas describes the Islamic Moors and Turks, who had many prior opportunities to convince themselves of the Christian truths and, moreover, who dared to inhabit lands that once were Christian, as the “truly barbaric scum of all nations.”<sup>120</sup> It seems unlikely, to say the least, that Las Casas would object to waging war with these altogether different infidels.

Finally, it is worthwhile to revisit the question of to what extent the “humanist” Sepúlveda ought to be considered part of the scholastic tradition. Conveniently, his *Apologia de justis belli causis* lists the authorities used to arrive at his conclusions. Besides a number of contemporary theologians, Sepúlveda mentions Aristotle, Augustine, Ambrose, Gregory the Great, Aquinas, Scotus, and Nicholas of Lyra.<sup>121</sup> Works by these authors would not make up the archetypical humanist reading list. Perhaps even more revealingly, Sepúlveda’s entire argument hinges on his assumption that the Indians could not be invincibly ignorant of the natural law prohibitions against idolatry and human sacrifice. This position appears directly derived from Aquinas. As we may recall, the Doctor Angelicus had stated that “there belong

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119 Ibid., 78: “Quis tam impius est ut excitare velit homines saevos, ambitiosos, superbos, avaros, effrenes [...] cum bellum licitum numquam sit nisi quando inevitabili necessitate geritur? Quis igitur sani capitis probabit bellum adversus homines innocentes, ignorantes, mites, modestos, inermes [...]?”

120 Ibid., 112: “Turcae, et Mauri, gentium vere barbara colluvies...”

121 Sepúlveda, *Apologia*, 348ff.

to the natural law, first, certain most general precepts *that are known to all* [my emphasis], although the secondary “more particular” precepts of the natural law may be “blotted out from the human heart, either by evil persuasions [...] or by vicious customs and corrupt habits.”<sup>122</sup> The entire Decalogue, including its prohibitions of idolatry and human sacrifice, belongs to the “most general precepts that are known to all,” and hence, Aquinas had argued, invincible ignorance of these commandments is impossible. In this particular, yet hardly insignificant matter, then, Sepúlveda proves himself a considerable more faithful Thomist than Las Casas. If Sepúlveda indeed falls outside the mainstream of contemporary scholastic thought, it is perhaps not the result of his humanist inclinations, but rather because he was insufficiently willing to take heed of the developments in scholasticism from Aquinas’ time to his own.

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<sup>122</sup> For the full quote and discussion, see above, chapter 2, nn. 60-61.



CHAPTER 6  
LESSONS FROM THE LECTURE HALL I: THE SCHOOL OF  
SALAMANCA

After our encounter with the intensely polemical language and personalities of the Valladolid debate, we will shift our attention in this chapter to the more formal theological background of the ideas espoused by Las Casas and Sepúlveda. First and foremost, this means we must devote some attention to the thought of the Salamancan theologians Francisco de Vitoria and his student Domingo de Soto.<sup>1</sup> Although the so-called “School of Salamanca” was influential, its members obviously did not have a monopoly on discussing the ignorance and culpability of the Indians. Hence, other schools of thought must be considered, too. In the subsequent chapter, we will therefore also address the ideas of the Franciscan theologian Antonio de Córdoba (1485-1578), who allotted a large part of his *Quaestionarium theologicum* to the topic of (invincible) ignorance.

Although the work of Vitoria – and to a lesser extent Soto’s, too – has been the subject of a large number of studies, Antonio de Córdoba, while contemporaneously influential, has nowadays been largely forgotten. Moreover, not even Vitoria’s work has been given all the attention it deserves. As we will see, certain parts of his justly famous and well-studied *De Indis* can only be properly understood after considering his *De eo ad quod tenetur*

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<sup>1</sup> Other candidates which – if not for practical reasons – could have been included in this study are e.g. Melchior Cano OP (1509-1560), an outstanding student of Vitoria and the latter’s successor as professor of theology at Salamanca; Domingo Báñez OP (1528-1604), who – explicitly referring to Las Casas and Vitoria – discussed several moral and theological problems involving the American Indians; and Luis de Molina SJ (1535-1600), who, among other things, admitted that even learned and pious people may be ignorant of some aspects of natural law, “or may even err invincibly” (*De iustitia et iure*, vol 6, tract. v. disp. 49, par. 2; cited in Hamilton, *Political Thought in Sixteenth-Century Spain*, 18-19).

*homo cum primum venit ad usum rationis* (“On the standards to which human beings are held when they first come to use their reason”), which, unfortunately, has not received nearly as much attention as the previously mentioned treatise.<sup>2</sup>

Additionally, the traditional characterization of the late fifteenth and sixteenth centuries, as witnessing a decisive resurgence of Thomism, has distorted our understanding of the accomplishments of sixteenth-century Spanish scholasticism. Although Aquinas’ thought was undeniably influential, especially, of course, among his fellow Dominicans, his ideas were less dominant than one might expect. Prominent fourteenth-century Dominicans, such as Durandus de Saint-Pourçain, Robert Holcot and William Crathorn, had not very much heeded the teachings of the Doctor Angelicus.<sup>3</sup> It seems unlikely that these authors lost all their influence because of a new interest in an even older predecessor. Significantly, both Durandus’ and Holcot’s *Sentences*-commentaries, as well as the latter’s biblical commentaries, saw multiple printings over the course of the sixteenth century in Basel, Paris, Venice and other places.<sup>4</sup> Perhaps not surprisingly, then, elements of a “nominalistic” theology have been identified in the works of sixteenth-century Spanish Dominicans, including Vitoria.<sup>5</sup>

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2 A very recent exception to this rule is Ramón Hernández’ “El uso de razón en Francisco de Vitoria,” *Ciencia Tomista* 136 (2009), 53-82; 205-28. Although this paper neatly summarizes *De eo ad quod tenetur homo*, it does not offer very much in regards to an analysis of the context and implications of Vitoria’s argument.

3 Gelber, *It Could Have Been Otherwise*, 107. See also Heiko A. Oberman, “Fourteenth-Century Religious Thought: A Premature Profile,” in id., *Dawn of the Reformation*, 1-17: 2-5, where Oberman speaks of the “myth of the [lockstepping] Thomist phalanx.”

4 Koch, *Durandus de S. Porciano*, 5; Kennedy, *The Philosophy of Robert Holcot*, 3.

5 See e.g. Deckers, *Gerechtigkeit und Recht*, 80ff; Reyes Mate, “Ein neuzeitlicher Naturbegriff,” in id. and Friedrich Niewöhner, *Spaniens Beitrag zum politischen Denken in Europa um 1600* (Wiesbaden 1994), 7-15, 10ff; Hamilton, *Political Thought in Sixteenth-Century Spain*, 4 and *passim*.

More generally speaking, John Trentman has argued that Scotus, Ockham, as well as “the later nominalist tradition” have exercised a very powerful influence on the representatives of sixteenth- and seventeenth-century scholasticism.<sup>6</sup> Even philosophers who regarded themselves as Thomists did not necessarily refrain themselves from adopting “Ockhamist” positions.<sup>7</sup> “In [a] game whose rules had been drawn up by Scotus,” Trentman remarks, “Thomism can be made to look very much like Ockhamism.”<sup>8</sup> Moreover, as we have seen from chapter two onwards, it is impossible to simultaneously adhere to the thought of the Doctor Angelicus on natural law and to ascribe invincible ignorance of that law to the original inhabitants of the New World. Indeed, the case for portraying the position of Vitoria and his fellow Salamancans regarding the American Indians as “Thomist” is surprisingly weak.<sup>9</sup>

Besides the fact that sixteenth-century Thomism had managed to incorporate elements at odds with the position of Aquinas himself, other schools of thought, i.e., the *nominales* and the Scotists, remained a strong and viable intellectual force. Scotists

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6 John A. Trentman, “Scholasticism in the Seventeenth Century,” in Norman Kretzmann, Anthony Kenny and Jan Pinborg eds. *The Cambridge History of Later Medieval Philosophy. From the Rediscovery of Aristotle to the Disintegration of Scholasticism: 1100-1600* (Cambridge 1982), 818-37: 818.

7 Ibid., 822.

8 Ibid., 824.

9 See e.g. O’Meara, “The Dominican School of Salamanca,” 557, 570-73. O’Meara argues (570-71) that “the Salamancan defense of the Indians found support in one particular question on faith by Aquinas. [...] ‘If unbelief is taken as a pure negation,’ Aquinas wrote [ST II-II, q. 10, a. 1], ‘it is not a sin.’ [...] The absence of the Christian message and faith were not excuses for conquest [...] *Through no fault of their own* [my emphasis] the Indians had not heard of Christ; their lack of belief was not a sin but an absence.” For the shortcomings of this interpretation see above, chapter 1, pp. 47-49, and chapter 2, pp. 83-85. Paul Cornish, in his “Spanish Thomism and the American Indians: Vitoria and Las Casas on the Toleration of Cultural Difference,” in Cary J. Nederman and John Christian Laursen eds., *Difference and Dissent: Theories of Tolerance in Medieval and Early Modern Europe* (New York 1996), 99-118, while admitting (114, n. 9) to be a part of the same tradition of scholarship as O’Meara, appears to assume (100) that any argument for tolerating Indians behavior which is not inspired by Aristotle or canon law, is necessarily of Thomist stock. It should be obvious, however, that not all scholastic thought is derived from Aquinas.

commanded a significant presence at Spanish universities (including Salamanca) during the sixteenth century; they also managed to establish themselves in the New World.<sup>10</sup> Perhaps most tellingly, the “Scotist-nominalistic” doctrine of justification, despite Thomist objections, was vindicated at the Council of Trent.<sup>11</sup> Henceforth, a key element of Scotist teaching, namely the sufficiency of merit *de congruo* (which opened up the possibility for an obligational theology), had to be respected as official Church dogma. At least in this regard, then, Scotism rather than Thomism represented the mainstream of sixteenth-century theological thought, and thus may have significantly influenced even self-proclaimed Thomists.

These findings indicate a need to question the extent to which scholastic attitudes toward the American Indians were truly Thomist in inspiration. In the case of the Franciscan Antonio de Córdoba the answer is clearly negative: the latter was cited in Spanish treatises as a typical representative of the Scotist viewpoint until the eighteenth century.<sup>12</sup> Vitoria’s position, however, also contradicts in many ways the conclusions of the Doctor Angelicus. Hence, in order to properly understand the thought of the School of Salamanca regarding the American natives, we must, much more than has occurred before, take into account the nominalist provenance of its ideas. This conclusion, together with my aforementioned

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10 See e.g. the relevant essays in Camille Bérubé, ed. *Homo et Mundus. Acta Quinti Congressus Scotistici Internationalis, Salmanticae, 21-26 septembris 1981* (Rome 1984), esp. Deodato Garbajo, “La provincia franciscana de Cartagena y el escotismo,” 475-83 (pp. 476-78 on the Scotist presence at Salamanca); and Celina Ana Lértora Mendoza, “El escotismo en el Río de la Plata (1600-1800),” 495-500. At the University of Valladolid, Scotism flourished until its suppression in the eighteenth century, as described in Germán Zamora’s contribution: “Jaque mate al escotismo en la universidad de Valladolid,” 459-73.

11 Heiko Oberman, “Duns Scotus, Nominalism, and the Council of Trent,” in id., *Dawn of the Reformation*, 204-33.

12 M. Bihl, “Antoine de Cordoue,” *Dictionnaire d’histoire et de géographie ecclésiastiques*, vol. 3 (Paris 1924), 767; J. Schmutz, “Córdoba, Antonio de,” in *Scholasticon* (2/24/2010) (URL = < <http://www.scholasticon.fr>>).

intention to utilize important, yet understudied texts, hints of the great amount of work still to be done. Thus, despite all that has already been achieved in exploring the intellectual background to Spain's encounter with the Indians, there are still, I would argue, worthwhile discoveries to be made.

### Common Themes

Before addressing the thought of individual theologians, we will first explore the following two subjects, namely the contemporarily relevant question whether, shortly after Christ's resurrection, Christianity had been successfully preached throughout the entire world; and second, the issue of natural slavery.

As to the first question, medieval theologians shared a virtual consensus that fairly soon after the first Pentecost, Christian preachers had visited every inhabited part of the world in order to spread the gospel of Christ's crucifixion, resurrection and the resultant redemption of the faithful. From that moment onwards, unquestioning faith in these events became a necessary precondition for salvation; and it seemed inconceivable that divine providence had failed in bringing about the promulgation of this message throughout every corner of the world. Theologians who reputedly subscribed to this argument included, among others, Aquinas, Bonaventure, Scotus, Durandus,<sup>13</sup> Gerson and Biel.<sup>14</sup> This position,

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13 Yet, cf. chapter 3, pp. 118-21, below. There remains, at least in Durandus' third and final redaction of his *Sentences*-commentary, a certain ambivalence with regard to this question. For reasons outlined in the aforementioned pages, I deem it likelier that Durandus did neither intend to imply that Christianity had been preached throughout the entire world, nor that God would infallibly illuminate all worthy ignorantes with the basic articles of the faith, beyond the supposed existence of a single, benevolent God who would remunerate his faithful.

14 See e.g. Antonio de Córdoba, *Quaestionarium theologicum* (Toledo 1578; reprint Venice 1604), *Liber II de ignorantia*, 24-25: "Tertia propositio de explicita fide Christi problema est, utrum post iam promulgatum Evangelium per Apostolos et successores eorum in praecipuis partibus orbis possit nunc ignorantia invincibilis

moreover, could be supported by several biblical passages, such as Psalms 18:5 and especially Romans 10:18:

But I say: “Surely, it cannot be that they have not heard?”  
For, verily, “their voices went out into all the earth and their words  
into the ends of the world.”<sup>15</sup>

Taken to its logical conclusion, this verse clearly indicated that, long before the arrival of the Spaniards, the Indians had been exposed to the preaching of the gospel, but to their great detriment had refused to heed its message.

One proponent of this, in modern eyes, remarkable theory was the Spanish royal chronicler Gonzalo Fernández de Oviedo y Valdés (1478-1557). In his *Historia general y natural de las Indias* Oviedo argued, explicitly referring to the aforementioned biblical verses, that “the evangelical truth” had been preached in “all parts of the world.” The Indians, therefore, “could not pretend ignorance in this matter.”<sup>16</sup> Since the American natives had thus willfully ignored the Christian message, Oviedo felt justified in ascribing both “incapacity and evil inclinations” (*incapacidad y malas inclinaciones*) to the American natives.

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apud aliquem reperi pro toto tempore vitae eius perseverans. Nam in hoc est duplex opinio inter catholicos. Prima opinio satis communius tenet quod non: quae et probatur [...] Et cum omnibus supra dictis concordant communiter doctores in 3 [*Sententiarum*], dist. 25; et praecipue Beatus Thomas, ea distinctione, q. 4 et ubi supra; et Bonaventura, ea distinctione, art. 1, q. 2; et Scotus ibidem videtur ad idem; et Durandus, ea distinctione, q. 1; et Alexander Halensis, par. 2, quaest. 129, memb. 8, § 1, et par. 3, q. 63, art. penultimo; et Altisiodorensis, lib. 3, tractatu 3, quaest. 3, de fide; et Gabriel in tertia dist. 25, q. 1, conclusione 3, et in secundo dist. 22, quaestione 2, dubio 1, et dist. 27, q. 1, conclusione 4, et dub. 4; et Gerson lect. 2 de vita spirituali et Castro ubi supra.”

15 Rom 10:18: “Sed dico numquid non audierunt et quidem in omnem terram exiit sonus eorum et in fines orbis terrae verba eorum.” Cf. Ps 18:5 (KJV 19:4): “In universam terram exivit sonus eorum et in finibus orbis verba eorum.”

16 Gonzalo Fernández de Oviedo y Valdés, *Historia general y natural de las Indias*. Biblioteca de autores españoles, vols 117-21 (Madrid 1959), vol. 117: 30: “...pues que ‘In omnem terram exivit sonus eorum, et in fines orbis terrae verba eorum.’ [...] la Sancta Iglesia ha ya predicado en todas las partes del mundo el misterio de nuestra Redempción. Así que estos indios ya tuvieron noticia de la verdad evangélica y no pueden pretender ignorancia en este caso.”

Consequently, he had little hope that this time around the Indians would be able to persevere in the faith.<sup>17</sup> Considering the situation, Oviedo was fully agreeable to the prospect of their complete extermination, excepting – perhaps not quite magnanimously – “a few innocents,” such as recently baptized children.<sup>18</sup>

Even more fanciful than Oviedo’s (theologically sound) assumption that Christian preachers had once visited the New World, was his theory that the Indies were to be identified with the Islands of the *Hesperides*. These islands had once been governed by and named after Hespero, “the twelfth king of Spain,” who reputedly ruled 1658 years before the birth of Christ. Ferdinand and Isabella, the *Reyes Católicos*, were thus merely “recovering” several long lost parts of their ancient birthright.<sup>19</sup>

Not all sixteenth-century scholars, however, were willing to subscribe to such cavalier dismissals of geographical reality.<sup>20</sup> Yet, the basic theological problem remained: could there be, despite Paul’s statement in Romans 10:18, invincible ignorance of the Christian faith? This particular question was laid out in detail by Vitoria in his *De Indis*, as well as by the Franciscan theologian Antonio de Córdoba in the second book of his *Quaestionarium theologicum*. While Vitoria does hold that the Indians may be invincibly ignorant of Christian doctrine, he fails to explicitly address the question whether the faith had already

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17 Ibid., 31: “[...] es cierto que son muy raros, e aun rarissimos, aquellos que en tanta multitud dellos perseveran en la fe.”

18 Ibid., 67: “[...] consintió que se les acabasen las vidas, permitiendo que algunos inocentes, y en especial niños bautizados, se alvasen, e los de demás pagasen.”

19 Ibid., 20.

20 See e.g. Louis Capéran, *Le problème du salut des infidèles: essai historique* (Toulouse 1934), 251-52 and ff.

been preached in the Americas before the arrival of the Spaniards.<sup>21</sup> Córdoba, likewise, attempted to steer clear of the potentially explosive issue of prior preaching. Thus, he does not explicitly deny that the apostles and their successors had succeeded in visiting every part of the globe. Nonetheless, he argues, in agreement with the Salamanca master and against the “more common opinion,” that it is indeed (theoretically) possible to be invincibly ignorant of what the Christian Church explicitly teaches – albeit only for those *ignorantes* who already have implicit (as opposed to explicit) faith in Christ.<sup>22</sup>

In contrast to both Vitoria and Córdoba, Domingo de Soto was willing to go considerably further in questioning the assumption that Christian preachers had once visited every part of the globe. In the course of defending his controversial position that infidels who had never heard of Christianity could be excused for their ignorance, Soto – not unlike Suárez after him – reaches the following conclusions:<sup>23</sup>

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21 On the possibility of invincible ignorance see Vitoria, *De Indis*, I, ii, 12, p. 57: “Barbari, priusquam aliquid audissent de fide Christi, non peccabant peccato infidelitatis eo quod non crederent in Christum. [...] Haec conclusio est contra multos doctores, et primo contra dominum Altissiodorensem (parte 3 in quaest. ‘Utrum fidei possit subesse falsum’ (cf. chapter 1, nn. 109-11) ubi dicit quod non potest aliquis habere ignorantiam invincibilem non solum Christi, sed cuiuscumque articuli fidei [...].” Regarding the question of prior preaching, Vitoria merely suggests that this had not occurred, see *ibid.*, 19, p. 65: “Non satis liquet mihi an fides christiana fuerit barbaris hactenus ita proposita et annuntiata ut teneantur credere sub novo peccata.” Nonetheless, Vitoria also states (I, ii, 13, p. 59) that “in omnem terram fuit praedicatum evangelium.” Unfortunately, he does not make clear whether this means that “in omnem terram” should not be taken literally, or that the Indians’ ancestors had indeed forgotten the Christian message. Cf. Domingo de Soto’s argument, below, n. 26.

22 Córdoba, *De ignorantia*, 25-28 (cf. n. 14 above): “Est etiam ad supradicta alia ratio, quia tam clara et tam illustris praedicatio Evangelij per totum hunc nostrum orbem conditum per Apostolos et eorum successores facta est, ut probabilissimum sit nullum hominum genus in eo iam invincibiliter ignorare fidem Christi et Evangelium [...] Respondeo [autem], quod quamvis ingenue concedamus quod nullam nationem in nostro orbe cognito reperiri quae invincibiliter nunc Christum ignoret, quidquid de insularis sit: nullum est hominem alicubi gentium, nunc reperiri, qui per solam implicitam fidem Christi in Deum convertatur ut oportet, quia lumen naturale inter infideles omnes, adeo iam obtenebratum est, ut nisi doctrina Evangelica prius ab eis fuerit audita nemo unum Deum, ut hominum liberatorem, et reconciliatorem agnoscat et suscipiat; et ita nemo sit iam faciens quod in se est et fidem Christi invincibiliter ignorans: at vero cum hoc stat veritas huius secundae opinionis, videlicet quod si aliquis daretur fidem Christi invincibiliter ignorans, is utique sine eius fide explicita cum implicita salvaretur, quodque nulli repugnat legi, eam ignorantiam dari.”

23 For Suárez’ position, see his *De triplici virtute theologica*, tract. 1, disp. XVII, sect. i, 12-12, p. 428.



[My views] are not contradicted by the words of the psalm: “Their voices went out into all the earth and their words (namely of the apostles) into the ends of the circle of the earth.” [...] First, because many gloss this “until land’s end,” namely as only including the quarter of the world that we inhabit. And Augustine did not treat these words as if they had already come to pass, but rather understood them as spoken in the manner of prophets, who, in order to magnify the certitude of a thing that once will be, prophesize as if speaking of bygone events. For the preaching of the gospel throughout the whole world, Augustine holds, will not be complete until the end of time, as is evidenced by the words of the gospel of Matthew, chapter 24, which [clearly] state: “This gospel of the [coming] kingdom shall be preached in all the world for a witness unto all nations; and then shall the end come.”<sup>24</sup>

And even if we concede, accepting the conclusions of John Chrysostom’s [seventy-fifth]<sup>25</sup> homily on the gospel of Matthew, that already in Chrysostom’s time the Christian trumpets have signaled in every part of the globe (which happens to be in better agreement with the Apostle’s letter to the Romans, chapter 10), it remains nonetheless certain that in several regions their memory has already been extinguished for longer than a thousand years. Wherefore these infidels are blinded about this matter in the same way as if the Christian message had never been promulgated in this world. For even though when, either for the first time or after a hundred years, they would start forgetting the law of the gospel, their forgetfulness would be culpable; [but] soon already those who, on account of a major offense, are ignorant, are in no way to be blamed for the offense of ignorance.<sup>26</sup>

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24 Unfortunately, Soto does not further specify where and in which context Augustine would have said this. This particular sentiment, however, seems to be present in the latter’s letter to the Donatist bishop Honoratus. See Augustine, *Epistola xlix*, *PL* 33, 189-90: “Etipse Dominum Jesus Christus dicit Evangelium suum in omnibus gentibus futurum.”

25 John Chrysostom, In Mattheum homilia lxxv, *PG* 58, 688-89: “Praedicabitur hoc Evangelium in universo mundo in testimonium omnibus gentibus; et tunc veniet finis’ [Matt 24:14], nempe consummationis Hierosolysorum. Quod enim de illo fine dixerit, et quod ante excidium Evangelium praedicatum fuerit, audi quid dicat Paulus: ‘In omnem terram exivit sonus eorum’ (Rom 10:18); et rursus: ‘Evangelii quod praedicatum est in universa creatura quae sub coelo est’ (Col 1:23). [...] Quod Christi potentiae maximum est argumentum, quod doctrina annis viginti vel triginta orbis terminos pervaserit.”

26 Domingo de Soto, *In quartum Sententiarum* (Salamanca 1557-60; reprint Salamanca 1581), d5, q1, a2, p. 242: “Neque vero obstat verbum psalmi. ‘In omnem terram exivit sonus eorum, et in fines orbis terrae verba eorum’ (scilicet apostolorum) [...] Primum enim multi illud glossant in finis terrae: scilicet, in fines quartae mundi partis, quam nos habitamus. Et Aug. non sic illud intelligit, quasi iam completum: sed more prophetarum assertum, qui ad exaggerandam rei certitudinem: id quod futurum est, praeteriti voce vaticinantur: praedicatio enim, inquit, evangelii in totum orbem non erit perfecta usque ad finem seculi iuxta illud Matth. 23: ‘Praedicabitur hoc evangelium regni in universo orbe in testimonium omnibus gentibus, et tunc veniet consummatio.’ Et quando cum Chrysosto. hom. septuagesimaseptima super Matth. concedamus, iam tunc suo tempore in totum orbem Christianam tubam personuisse, quod videtur Apostolo ad Roma. 10, magis consonum: nihilominus certum est aliquas aliquas iam esse regiones, in quibus ante mille hinc retro annos eius memoria fuit extincta. Quare illi perinde hac de re caecutiunt ac si nunquam in orbe fuisset. Illa promulgatio

The above passage offers a nice summary of the problem at hand. The main positions of each side in the debate, as well as the principal authorities that could be called upon, are explicitly mentioned. Furthermore, the quotation shows that the issue is clearly controversial. Yet, even more conspicuous is that Soto, like Vitoria, Córdoba and Suárez, is fully committed to the possibility that the Indians are invincibly ignorant of what those raised as Christians are held to believe explicitly. It is obvious, moreover, that Soto prefers to do so by subscribing to Augustine's (by now) contentious argument that the faith has not yet been preached throughout the whole world.

Soto is willing to settle, however, for a solution that puts some blame upon the Indians, as long as he may continue to argue that their ignorance is not culpable, and thus necessarily (considering its subject matter) invincible. This grudging willingness to blame the American natives for all kinds of lesser offenses rather than culpable ignorance of Christian doctrine, is not unique to Soto. We have already seen that this is how Vitoria – somewhat illogically – chose to interpret Aquinas' argument on the culpability of negative unbelievers.<sup>27</sup> Similarly, Las Casas had argued that infidels who would do what is within them could nonetheless remain invincibly ignorant of the prohibition to worship idols, on account of their eventual damnation for a different sin.<sup>28</sup>

Obviously, the primary purpose of denying the occurrence of Christian preaching in the Americas, long before the arrival of the Spaniards, was to excuse the Indians for their

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facta. Nam etsi quando coepit lex apud illos evangelica oblivioni tradi, vel post centum annos, oblivio fuisset illis culpabilis: iam modo illi qui propter maiorum culpam ignorant, nulla tenentur ignorantiae culpa.”

<sup>27</sup> See above, chapter 1, pp. 48-49.

<sup>28</sup> See above, chapter 5, p. 231, n. 102.

otherwise blameworthy ignorance of Christianity. Yet, the issue remained contentious; and hence, a preferred fall-back position was to explain the ignorance of the American natives by designating one or more lesser offenses as its main cause. This course of action diminished the seriousness of the Indians' failings, so that theologians could argue that the "crimes" committed by the American natives could be left to divine, rather than human jurisdiction, whence the Indians ought to be spared conquest, enslavement and war. Despite the apparent necessity of alternative arguments to mitigate the Indians' guilt, the claim that no prior preaching had occurred in the New World, did gain adherents. Thus, it seems no coincidence that Sepúlveda, the great advocate of "civilizing" the Indians through force and harsh discipline, chose to base his entire argument for continued conquests on Indian offenses against natural, rather than divine law. Contrary to divine law, natural law could be known, Sepúlveda maintained, without having to rely on the assistance of preachers or supernatural revelation.

Regarding our second question whether the original inhabitants of the New World were "slaves by nature," the first scholar to reach this conclusion appears to have been the Scottish theologian John Major. Perhaps surprisingly, considering the later impact of this claim, Major offers only a few lines to back up his finding. The following passage contains Major's entire argument in this matter:

These people [i.e., the Indians] live in a bestial manner. Toward either side of the equator and below the poles live human beings resembling wild animals, as Ptolemy says in his *Tetrabiblos*.<sup>29</sup> And this has now been verified by experience. Wherefore, the first

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<sup>29</sup> Ptolemy, *Tetrabiblos*, ed.-transl. F.E. Robbins (Cambridge MA and London 1940), II,2, pp. 120-25. In this passage Ptolemy argues that "Ethiopians," here used as a generic term for nations living just north of the equator, possess "for the most part" savage habits. Likewise, the "Scythians," i.e. all those inhabiting cold lands close to the North Pole, are also "savage in their habits." Those living in the more temperate region, by contrast, are described as also "more civilized in their habits."

person to conquer them, justly rules over them, because, these people, as is evident, are slaves by nature. As the Philosopher says in the [fourth and fifth] chapters of the *Politics*, it is manifest that some are by nature slaves, others by nature free.<sup>30</sup> And it is determined that in some individuals there exists such a [disposition], so that this state of affairs is to their benefit; and [therefore] it is just for the one person to be a slave, and for the other to be free. And it is fitting that the one person rules, while the other, in accordance with his innate character, belongs to this master; wherefore he is to be dominated. For this reason the Philosopher, in the [second]<sup>31</sup> chapter of the same book, says that it is [precisely] on this account that the poets say that it is proper for Greeks to rule over barbarians, because, by nature, a barbarian and a slave are the same thing.<sup>32</sup>

According to Las Casas, this passage is the very place where Sepúlveda “collected his poisons.”<sup>33</sup> The Bishop of Chiapas further attempted to discredit Major by claiming that the latter’s reading of Ptolemy is entirely wrong. The wild and savage nations living just north of the equator, whom Ptolemy calls “Ethiopians,” should not be identified with the Indians, Las Casas claims, but rather with the Islamic inhabitants of Moorish Africa.<sup>34</sup> It is Las Casas, however, who is mistaken. Ptolemy’s “Ethiopians,” after all, lived between the equator and

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30 Aristotle, *Politics*, 1254a17-1255a2.

31 Ibid., 1252b8-9.

32 John Major, *In secundum*, q. 44, d. 3, fol. 188v (the text of this particular question, which contains several additional topics, may also be found as an appendix (pp. 79-82) to Leturia’s “Major y Vitoria ante la conquista de America”): “Populus ille [i.e. tales invenerunt in Mari Atlantico] bestialiter vivit. Citra ultraque equatorem et sub polis, vivunt homines ferini, ut Ptolemeus in quadrupartito dicit. Et iam hoc experientia compertum est. Quare primus eos occupans iuste eis imperat, quia natura sunt servi, ut patet. Primo Politicorum tertio et quarto dicit Philosophus, quod sunt alii natura servi alii liberi, manifestum est. Et in quibusdam determinatum est esse tale aliquid quibus ob id ipsum prodest; et iustum est alium servire alium esse liberum. Et convenit alium imperare, alium parere illo imperio quod innatum est; quare et dominari. Propterea dicit Philosophus primo capite illius libri: quamobrem aiunt poete Grecos barbaris dominare oportere, quia idem sit natura barbarus et servus.”

33 Las Casas, *Apologia*, 622: “Hinc (ni fallor) venena sua colligit Sepulveda.”

34 Ibid., “Quod ex Phtolomaeo in *Quadripartito* citat, falsum est; neque enim Phtolomaeus tale quidquam scripsit. [...] Neque enim provincias equatoris descripsit quas ipse incultas et inhabitabiles putabat. Quos Phtolomaeus ferinos vocat, Mauritaniam Africae incolunt, ad promontorium quod nunc vulgo appellamus ‘Cabo de Aguer,’ ubi Arabes vulgo ‘Alarabes’ degunt.”

the Tropic of Cancer, which region is located far south of the North African shores.<sup>35</sup> Las Casas' mistake would hardly have been worth mentioning except that at least two modern scholars, namely Anthony Pagden and, following him, Arthur Williamson, have relied on Las Casas' "correction" of Major's reading of Ptolemy to erroneously explain away their own misconstrued translation of Major's original text.<sup>36</sup>

Returning now to Major's argument, one thing in particular stands out. In contrast to later discussions, Major limits himself to the bland observation that the Indians live *bestialiter*. He does not explicitly explain the cause of this situation, nor does he consider other options than enslavement in order to deal with the Indians' apparent lack of right reason and proper morality. Vitoria, to whose ideas we turn next, *did* come up with an explanation; and his appreciation of the Indian character, as well as his conception of natural slavery, changed accordingly.

Vitoria's attitudes toward natural slavery have been extensively discussed by the aforementioned Anthony Pagden in his influential and generally well-received study *The Fall of Natural Man*.<sup>37</sup> As mentioned in the previous chapter, Pagden concludes that Vitoria completely abandoned the position that the Indians were natural slaves. Instead, Vitoria

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35 Ptolemy, *Tetrabiblos*, 120-23.

36 Anthony Pagden, instead of "Populus ille bestialiter vivit. Citra ultraque equatorem et sub polis, vivunt homines ferini, ut Ptolemeus in quadrupertito dicit," read the opening lines of the passage quoted above as "Populus ille bestialiter vivit citra ultraque equatorem; et sub polis vivunt homines ferini, ut Ptolemeus in quadrupertito dicit" (see his *The Fall of Natural Man*, 38). He then goes on to claim that Major's reading of Ptolemy was "wildly inaccurate, for, as Las Casas later pointed out, the Indians did not live 'beneath the Poles' but close to the equator, which, on Ptolemy's own reckoning, was a most propitious [sic] place to grow up." Yet, cf. n. 29 above! Arthur Williamson, relying on Pagden's translation, makes the same mistake. See his "Scots, Indians and Empire: The Scottish Politics of Civilization 1519-1609," *Past and Present* 150 (1996), 46-83: 58-59.

37 For instance, this work was the winner of the 1983 Herbert Eugene Bolton Memorial Prize.

came to see the American natives as possessing the mental disposition of mere children.<sup>38</sup> More precisely, Pagden argues that Vitoria believed that the rationality of the American natives remained unactualized and, instead, existed “still *in potentia*.” From this followed the “inescapable” conclusion that the mind of the Indian “must, of necessity, have been frozen in a state of becoming.”<sup>39</sup>

Pagden’s conclusions, however, have been the subject of severe criticism by Brian Tierney.<sup>40</sup> The latter observes, among other things, that crucial parts of the former’s argument are marred by unfortunate mistranslations and, more generally speaking, that his grasp of the Aristotelian terminology, as employed by Vitoria, does not inspire confidence.<sup>41</sup> This last observation is significant as Pagden’s argument, I argue, would have benefited greatly from a more precise understanding of Aristotelian psychology and of the concomitant notion of *habitus*.<sup>42</sup> Instead of depicting the Indian mind as being “frozen in a state of becoming” (which is nonsense), Vitoria was making the point that the Indians possessed insufficiently developed mental habits, on account of their “evil and barbarous education.”<sup>43</sup> Hence, in Vitoria’s view the Indians were not “nature’s children,” as Pagden would have it, but rather *childlike*, or perhaps – in particularly bad cases – *beastlike*, due to

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38 Pagden, *The Fall of Natural Man*, 104

39 Ibid., 93-94.

40 See Tierney, “Aristotle and the American Indians.”

41 Ibid., 312.

42 Although Pagden briefly discusses Aristotelian habits only a few pages after his claim that Vitoria held the Indian mind to be frozen in “a state of becoming” (see *The Fall of Natural Man*, 99-102). he fails to properly connect his discussion to Vitoria’s argument.

43 Vitoria, *De Indis*, I, i, 15, p. 30: “Unde quod videantur tam insensati et hebetes, puto maxima ex parte venire ex mala et barbara educatione [...]” For a fuller version of this quote see above, chapter 1, p. 35-36, n. 70. Cf. Pagden, *The Fall of Natural Man*, 97.

their failure to actualize their inborn potential for behaving rationally, i.e., in the manner of well-habituated adult males.

Furthermore, as Tierney points out, Pagden is mistaken in arguing that Vitoria radically set aside Aristotle's theory of natural slavery.<sup>44</sup> Speaking about natural slaves, Vitoria concludes:

Certainly, Aristotle does not argue that such individuals, who have small use of their capacity, by nature have no recourse to the law and that they have no ownership over either themselves or other goods. For such slavery is civil and legal, rather than natural; and no man is a civil slave by nature.

Neither does Aristotle hold that if by nature certain human beings are very weak-minded that it would become licit to seize their lands and goods and to enslave and sell them. Instead, he desires to teach us that a natural necessity exists in such people, on account of which they require to be ruled and governed by others. For it is good that such individuals are subject to others, just as children before the age of adulthood need to be subject to their parents, and wives ought to be ruled by their husbands.

And it is obvious that this is the true meaning of Aristotle's words, because of his corollary argument that some are natural masters, namely those who are strong of intellect. And it is certain that Aristotle does not hold that such men are freely allowed to seize command over others, simply because they are wiser. Instead of actually having rightful authority, these men possess nothing more than a natural aptitude to command and to rule.<sup>45</sup>

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<sup>44</sup> Tierney, "Aristotle and the American Indians," 311.

<sup>45</sup> Vitoria, *De Indis*, I, i, 16, pp. 30-1: "[C]erte Aristoteles non intellexit quod tales, qui parum valent ingenio, sint natura alieni iuris, et non habeant dominium et sui et aliarum rerum; haec enim est servitus civilis et legitima, qua(\*) nullus est servus a natura. Nec vult Philosophus quod, si qui sunt a natura parum mente validi, quod liceat occupare bona et patrimonia illorum et illos redigere in servitutem et venales facere, sed vult docere quod a natura est in illis necessitas, propter quam indigent ab aliis regi et gubernari, et bonum est illis subdi aliis, sicut filii indigent subici parentibus ante adultam aetatem et uxor viro. Et quod haec sit intentio Philosophi patet, quia eodem modo dicit quod natura sunt aliqui domini, scilicet qui vigent intellectu. Certum est autem quod non intelligit quod tales possent sibi arripere imperium in alios illo titulo quod sint sapientiores, sed quia a natura habent facultatem ad imperandum et regendum." (\*) Instead of the *quia* suggested by Pereña and Prendes, Teofilo Urdanoz' reading of *qua* (see his *Obras de Francisco de Vitoria*, 665), appears to make more sense, as Vitoria's "clarification" of Aristotle would otherwise seem to amount to a denial of the existence of natural slaves, (which would contradict Vitoria's statement (*De Indis* I, i, 1, p. 13) that: "[...] Aristoteles [...] eleganter et accurate tradit, aliqui sunt natura servi, quibus scilicet melius est servire quam imperare."). More importantly, Pereña and Prendes certainly did not attempt to argue that "noone is a slave by nature," as evidenced by their Spanish translation of Vitoria's text. Rather, their translation reflects Vitoria's argument that

Regardless of the merits of this interpretation as representative of Aristotle's "true" position, two parts of Vitoria's argument stand out. First, Vitoria does neither deny the existence of natural slaves, nor does he argue that the Indians are not to be labeled as such. Moreover, if Vitoria had wished to deny that the Indians belonged to this category, he undoubtedly could have done so, thereby saving himself the trouble of having to reinterpret – somewhat torturously in this case – what exactly it means to be a *servus a natura*. Hence, it is likely that Vitoria entertained the possibility, if not outright accepted that the Indians were indeed natural slaves.

Yet, crucially, Vitoria's conception of natural slavery is, relatively speaking, a very benign one.<sup>46</sup> Instead of being a human draft animal, a piece of property without any rights whatsoever, the natural slave closely resembles, Vitoria argues, the immature child, as of yet unprepared to face the surrounding world without paternal guidance. Obviously, slaves and children are to be judged and treated very differently. Simply put, the whole purpose of a slave is to be useful to his master. This usefulness is maintained by either physical punishment or the threat thereof. By contrast, the purpose of a child is to develop into a well-behaved adult who is able to independently exercise his or her proper role in society. The primary means to achieve that development is not physical punishment (although that certainly may be a part of it), but rather a well-suited education. Thus, while slaves must be punished to prevent them from engaging in unwanted behavior, children must be educated to prepare them for civilized and respectable conduct.

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legal servitude does not impose natural servitude upon an individual: "Esta es la servidumbre civil y legítima que no hace a nadie siervo por naturaleza."

46 As already noted by Tierney. See his "Aristotle and the American Indians," 311.



In conclusion, when sixteenth-century theologians speculated about ignorance, the condition of the American natives had to be taken into account. The *scientia* of theology, after all, had to “save the appearances,” i.e., to successfully incorporate and explain the phenomena open to direct observation.<sup>47</sup> The “appearances” apparently favored the conclusion that the original inhabitants of the New World more closely resembled misguided children than intentionally evil savages. Accordingly, the theologians now under consideration found that the Indians, regardless of their other failings, were to be excused for their ignorance of Christianity – quite possibly because no prior preaching had occurred in the New World.

Because of this lack of guilt, the Indians could be portrayed as childlike rather than beastlike. It should be noted, however, that their innocence was almost purely negative in character. The Indians’ innocence entailed the absence of a particular guilt, not a resemblance to a Rousseau-like image of the noble savage. Although Las Casas’ writings, for example, occasionally hint in this direction, such romanticisms are absent in the more formal theology of the schools.<sup>48</sup> The observation that the Indians resemble children is thus hardly a positive appraisal, but a severe condemnation of their lack of sufficient “adult maleness.”

#### Francisco de Vitoria

As repeatedly mentioned before, the founder and foremost member of the School of Salamanca was Francisco de Vitoria. Through his personal teaching and the often successful

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<sup>47</sup> Cf. C.S. Lewis, *The Discarded Image. An Introduction to Medieval and Renaissance Literature* (Cambridge 1964; reprint 1970), 14-15.

<sup>48</sup> For examples of Las Casas’ “romantic” view of the Indians see e.g. chapter 5, nn. 117-19. We must not forget, however, that most of these “innocents” would nonetheless suffer eternal damnation. See chapter 5, nn. 101-2.

careers of his pupils, Vitoria's thought influenced a large number of individuals belonging to the intellectual elite of sixteenth-century Spain.<sup>49</sup> His influence on later scholars such as Francisco Suárez and Hugo Grotius was significant. Because of this last connection, Vitoria is often regarded as the "father" of international law.<sup>50</sup> Additionally, Vitoria is almost invariably portrayed as one of the foremost Thomist theologians of the sixteenth century.

Yet, as we have already seen in earlier chapters, Vitoria's reading of Aquinas sometimes was perhaps excessively inventive.<sup>51</sup> Similarly, Brian Tierney has pointed out that Vitoria at least at one occasion "mistakenly" suggested that Aquinas taught a doctrine of subjective rights.<sup>52</sup> The Salamanca doctor, like other Dominicans before him, appears to have treated Aquinas as a starting point for theological speculation, instead of the final word on theological orthodoxy.<sup>53</sup> This made Vitoria's approach to Aquinas' writings less dogmatic than was deemed appropriate, albeit not according to sixteenth-century expectations, but

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49 For instance, twenty-four of his former students held chairs of arts or theology at Salamanca; in 1548, two others occupied the Thomist chairs of theology at Alcalá. See Hamilton, *Political Thought in Sixteenth-Century Spain*, 175.

50 See especially James Brown Scott, *The Spanish Origin of International Law*, vol. 1: *Francisco de Vitoria and his Law of Nations* (Oxford 1934).

51 See above n. 9.

52 Tierney, *The Idea of Natural Rights*, 75.

53 Tierney, for example, argues that "although Thomas himself did not choose to develop a doctrine of subjective rights, there was nothing in his work that necessarily excluded such a concept." Hence, the Dominican Hervaeus Natalis (ca. 1260-1323) could already read Aquinas as if the latter's work was in agreement with such a concept. Furthermore, "[t]he combination of a professed Thomism with an acceptance of a rights language derived ultimately from medieval jurisprudence was characteristic of the greatest thinkers of the Spanish 'second scholasticism' [i.e. Vitoria c.s.], whose works provide the principal link between medieval and modern rights theories." Hervaeus was but "an early exponent of a position that later came to be widely accepted." See Tierney, *The Idea of Natural Rights*, 108.

merely by the standards of twentieth-century Neo-Thomists, such as Michel Villey and J. Arntz.<sup>54</sup>

Furthermore, the extent to which Vitoria may have been influenced by nominalist thought becomes clearer if we consider his career as a student and *baccalaureus sententiarum* at the University of Paris.<sup>55</sup> After his preparatory studies at the Dominican convent at Burgos, Vitoria was sent on to Paris, where he entered the Dominican College of Saint Jacques, most probably in 1509. At Paris, Vitoria could have heard the nominalist John Major. One of Major's students was the Fleming Peter Crockaert (ca. 1460/70-1514), who after entering the Dominican Order in 1503 joined the College of Saint Jacques, where he became Vitoria's primary teacher. In 1507 Crockaert, following the example of Cajetan, substituted Aquinas' *Summa theologiae* for Peter Lombard's *Sentences* as the basis of his lectures. Vitoria, after his appointment at Salamanca in 1525, would do likewise.

Crockaert's adoption of the *Summa theologiae* is often presented as evidence of his "conversion" to Thomism. As pointed out in chapter two, however, Thomism and nominalism – from a medieval perspective, at least – represent not discrete and necessarily contradictory positions, but rather tend to occupy different spaces on the same, continuous spectrum. Hence, Crockaert's "conversion" in no way implies a complete and total

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54 Villey and Arntz maintained that Vitoria "betrayed" or "falsely interpreted" the proper teaching of Aquinas. See Michel Villey, *La Formation de la pensée juridique moderne* (4th ed.; Paris 1975), 362, 365-66; J. Th. C. Arntz, "Die Entwicklung des naturrechlichen Denkens innerhalb des Thomismus," in Franz Böckle ed., *Das Naturrecht im Disput. Drei Vorträge beim Kongress der deutschsprachigen Moraltheologen 1965 in Bensberg* (Düsseldorf 1966), 87-120: 100ff. The findings of Villey and Arntz have been criticized by Tierney and Deckers, respectively. See Tierney, *The Idea of Natural Rights*, 13-42, esp. 30-4; Deckers, *Gerechtigkeit und Recht*, 80ff, esp. 130, n. 207.

55 For Vitoria's career at the University of Paris see Ricardo Garcia Villoslada, *La Universidad de Paris durante los estudios de Francisco de Vitoria O.P (1507-1522)* (Rome 1938), which, despite its palpable (but by now severely outmoded) hostility toward nominalist thought, is still useful on account of its great level of detail.

repudiation of Major's nominalism, which therefore, both directly and indirectly, may have influenced Vitoria.

Additionally, authors of medieval *Sentences*-commentaries hardly treated the original views of the Lombard as the final word on any subject. Instead, the *Sentences* were but a starting point from which enterprising theologians could strike out to form their own conclusions. The adoption of Aquinas' *Summa theologiae* as an introductory text therefore does not mean that any deviation whatsoever from its tenets was impermissible. It is nonetheless obvious, of course, that Crockaert and Vitoria deeply respected the thought of the Doctor Angelicus. Yet, this respect did not automatically translate into the kind of strict, dogmatic adherence that came to be expected from Catholic scholars in the wake of the nineteenth-century encyclical *Aeterni patris*.

Regarding the issue of invincible ignorance, Vitoria's most revealing work is his aforementioned (and understudied) *De eo ad quod tenetur homo cum primum venit ad usum rationis*. This text, like *De Indis*, was delivered by Vitoria as a so-called *relectio*, i.e., a special lecture, not part of a regular course, dedicated to a topic deemed especially interesting or relevant. *De eo ad quod tenetur homo* dates from June 1535, around three and a half years prior to the much more famous *De Indis*.<sup>56</sup>

The *locus relegendus* which provided the theme for *De eo ad quod tenetur homo* was Ecclesiasticus 15:14: "God made man from the beginning, and left him in the hand of his own counsel."<sup>57</sup> Some uncertainty regarding the efficacy of human counsel alone led Vitoria

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56 These dates are derived from Vicente Beltrán de Heredia, *Los manuscritos del maestro Fray Francisco de Vitoria, O.P. Estudio crítico de introducción a sus lecturas y relectiones* (Madrid and Valencia 1928), 140-42 and 144.

57 Francisco de Vitoria, *De eo ad quod tenetur homo cum primum venit ad usum rationis*, ed. Teofilo Urdanoz OP, *Obras de Francisco de Vitoria* (Madrid 1960), 1292-1375: 1303: "Locus relegendus habetur Ecclesiastici 15,14: 'Deus ab initio constituit hominem et reliquit illum in manu consilii sui.'"

to the principal question of this *relectio*: “Whether it is possible for every human being coming to the use of reason to find salvation and eternal life.”<sup>58</sup> In order to answer this question, Vitoria raises three additional *dubia*. He further investigates (1) the definition of “possessing the use of reason” and what it means to first arrive at having that ability; he then addresses (2) the question what such human beings can do with their newfound ability; and (3) what obligations such individuals initially (*pro eodem tempore*) must fulfill.<sup>59</sup> Having researched these difficulties, Vitoria is then able to answer his principal question: it is sufficient, he maintains, that the *viator* does what is within him (*facit quod in se est*), namely to strive after good and to flee evil.<sup>60</sup> In other words, Vitoria provides a positive reply to the question whether a human being relying on reason alone may earn salvation. Not, however, because the dictates of human reason are sufficient, but rather because at some later, unspecified time God will infallibly illuminate those worthy individuals who faithfully follow the precepts of proper reason.<sup>61</sup>

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58 Ibid., 1305: “Et ideo sit quaestio principalis: ‘An omni homini pervenienti ad usum rationis pateat aditus ad salutem et vitam aeternam.’”

59 Ibid., 1306-7: “Ad hanc quaestio dissolvendam quatuor dubia oportet tractare. Primum, quid sit ‘hominem habere usum rationis,’ et quid ‘pervenire ad usum rationis.’ Secundum, quid potest homo cum primum pervenerit ad usum rationis. Tertium, ad quid tenetur pro eodem tempore. Quartum, de principali quaestione.”

60 Ibid., 1371-72: “Dico ergo quod cum primum homo habet tale iudicium sufficienter deliberatum, tenetur habere propositum bene agendi conformiter ad illud iudicium. Et si cognoscat Deum tenetur formaliter converti in Deum, puta volo aut propono servare legem Dei, volere colere Deum. Si autem non cognoscat, satis est ut proponat bene vivere conformiter ad dictamen ut: propono vivere secundum rationem, volo honeste agere, nolo male agere. Hoc expresse dicit Sanctus Thomas, *De veritate*, q. 14, a. 11, ad 1, ubi dicit de eo qui nutritus esset in sylvis, quod si faciat quod in se est, ad providentiam Dei spectat subvenire in necessariis. Et declarat quid sit facere quod est in se, dicens quod est sequi dictamen legis naturalis cum appetitu boni et fuga mali. Et quod hoc sufficit constat manifeste ex dictis.”

61 Ibid., 1372: “Neque obstat quod quidam dicunt, quod si hoc faciat iam dominus illuminabit eum de fide. Quicquid enim sit de hoc, de quod statim dicam, saltem prius est hoc ipsum facere quod in se est quam quod illuminetur, et sic illa illuminatio non spectabit ad primum tempus usus rationis.”

Although at first sight Vitoria's *De eo ad quod tenetur homo* does not appear to directly address the issue of Indian unbelief, there can be little doubt that this particular problem constituted a major reason for its composition. Vitoria's lecture, after all, undercuts one of the principal arguments for continuing to conquer and enslave the original inhabitants of the New World. For if it is accepted that God is both omnipotent and wholly good, there are but two explanations which would explain the initial, total absence of Christianity in the Americas. First, the Indians have either willfully ignored the Christian message, or God has chosen not to send preachers on account of their many sins. In either case, the American natives are directly responsible for their ignorance and, as a consequence, may be punished by the Spaniards for their idolatry and other violations of natural law. The second solution would be to somehow modify the necessary preconditions for receiving grace, as a wholly good God would not deny innocents the opportunity to find eternal life. In that case, the absence of explicit faith in Christian dogma no longer constitutes an implicit condemnation of the moral caliber of the *viatores* in question, because – despite not overtly adhering to Christian principles – they could nonetheless be worthy of eventual salvation.

As we have seen, Vitoria opts for the second solution by arguing that worthy non-Christians may become Christians through divine illumination any time God sees fit. The absence of faith *at the present moment* provides thus no indication whatsoever of the innocence or guilt of the *viator*. Consequently, it has become morally hazardous to punish infidels who have not been brought up in the Christian tradition. More importantly, perhaps, Vitoria also saves the efficaciousness and benevolence of divine providence. The absence of Christian preachers in the Americas can no longer be construed, if only in theory, as a failure on God's part to provide for his creatures.

Although *De eo ad quod tenetur homo* deals with a particular problem, namely whether the initially unaided efforts of human beings are sufficient to lead the *viator* to salvation, Vitoria's solution is based on more general assumptions about God, his omnipotence and freedom, and the necessity of the existing moral order. It is to these topics in Vitoria's writings we will turn next.

Vitoria's attitude toward divine omnipotence and freedom is reflected in various statements about the necessity and/or contingency of creation. Unfortunately, there exists no single text containing a comprehensive overview of his views regarding this matter. Hence, we are forced to parse together Vitoria's position from various disjointed passages – some from other *relectiones* than *De eo ad quod tenetur homo*. Perhaps as a result, at least one modern scholar has argued that Vitoria's concept of natural necessity is inconsistent.<sup>62</sup> Since the Salamancan's surviving works were composed over the course of several years, some inconsistencies may be reasonably expected; these, however, are less pronounced, I argue, than might appear at first sight.

Crucial to Vitoria's understanding of necessity is the theoretical framework of Aristotelian causation.<sup>63</sup> Echoes of this framework are easily discovered in Vitoria's *relectio* on civil power, which he delivered as early as 1528. The following statement from that *relectio* may initially appear as the expression of an extreme necessitarian viewpoint. "Everything contained in the heavens and on earth," Vitoria declared, "occurs necessarily on account of

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62 Deckers, *Gerechtigkeit und Recht*, 83-97.

63 Aristotle posited that everything may be wholly explained by its four causes, i.e. the formal, material, efficient and final cause. The existence of a table for example, is explained by its form (four legs and a flat top), its material (wood), the agent who effected the existence of a particular table in reality (a carpenter) and the end (Latin: *finis*) to which a table has been created (a flat surface for eating or writing). See Aristotle's *Physics* II.3, esp. 194b24ff.

its final cause, whence the purpose and necessity of things is to be accepted.”<sup>64</sup> Since the final cause of creation as such is God himself, the preceding statement, despite its threatening necessitarian overtones, implies no more than that the things that exist, exist necessarily – because an omnipotent God created them – and that God created purposefully instead of arbitrarily.<sup>65</sup> God’s freedom to not have created at all, or to have created entirely different (but equally purposeful) things is therefore left completely intact.

A somewhat more complex problem is provided by a passage in Vitoria’s *De Homicidio*, dating from 1530:

[...] I say: there certainly exist doubts among theologians and philosophers whether God is able to change the nature of things, or whether he still may do this, or whether he could have created these natures different from the beginning. And several scholars, in agreement with Gabriel Biel, are of the opinion [...] that [God] could make fire naturally cold, while making water naturally hot; and likewise, to make it so that snow is black and the raven white. [...]

Despite the fact that several esteemed theologians and authors defend this position, I think it is neither probable, nor in agreement with the truth. Whence I am of the opinion that God could not have made fire (which is actually hot) naturally cold, or to have made it so that fire is not naturally hot, or to have made black snow, light earth; and, *in general* [my emphasis], to remove or to change the natural inclinations of things.<sup>66</sup>

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64 Vitoria, *De potestate civili*, 153-54: “Credamusque non caelum, nec terram, ac reliquas orbis partes hominemque ipsius orbis principem, sed omnia quae caelo continentur, alicuius usus et finis gratia stetisse, fierique omnia atque ita fieri necesse propter finem, unde ratio et necessitas rerum accipienda est.”

65 Prior to the first act of creation, there was only God. Hence, the final cause, i.e. purpose, of creation can only have been God himself, as no other potential purposes yet existed.

66 Francisco de Vitoria, *De homicidio*, ed. Teofilo Urdanoz OP, *Obras de Francisco de Vitoria* (Madrid 1960), 1070-1130: 1098-99: “Dico primum omnium: dubium est certe inter theologos et philosophos an naturas rerum Deus immutari possit, vel potuerit, vel ab initio alias facere, quam nunc sunt. Et quidam sunt qui putent cum Gabriele 4 d. 1, q. 1: quamvis Deus quidem rerum et essentias variare non potuerit, neque enim potuit aut hominem, aut bovem alterius speciei facere quam fecit, potuit tamen proprietates et inclinationes naturales immutare. Potuit (inquam) ignem frigidum naturaliter facere et aquam calidam, ac rursus nigram nivem, et album corvum. [...] Hanc sententiam quamquam theologi et auctores nonnulli, qui in pretio habentur, defendunt, non puto esse probabilem, nec verisimilem. Unde puto quod Deus non potuerit quidem ignem calidum naturaliter frigidum facere aut non naturaliter calidum, aut nivem nigram, aut levem terram, et in universum naturales inclinationes tollere, aut mutare.” Cf. Biel 4 *Sent.* d. 1, q., IV-1, 30: “Creare non repugnat



Again, we may be inclined to conclude that Vitoria maintains a necessitarian position, namely that things cannot be different; and thus, that everything must *necessarily* be as it already is. This, however, would be reading far too much to the Salamancan's words. First of all, Vitoria only speaks about what God "generally" or "naturally" can do. Contrary to what Daniel Deckers has argued recently, the above passage therefore does not contradict Vitoria's position, expressed elsewhere, that God is able to interfere *de potentia absoluta* in the normal chains of natural causality.<sup>67</sup>

Second, Vitoria only argues that, generally speaking, the natural inclinations of things cannot be different, not that things cannot be different at all. Vitoria's principal example is especially illuminating in this regard. As we have seen, he holds that God could not have made it so that water is naturally hot and fire naturally cold. At this point, we might recall that according to medieval physical thought the essence of water is its coldness and wetness, while the essence of fire is its hotness and dryness. Hence, by removing the coldness from water and substituting it with hotness, we would end up with something hot and wet, i.e., air, which, of course, is no longer water. Similarly, by substituting the hotness from fire with coldness, we would find ourselves with something cold and dry, namely earth instead of fire.

In short, Vitoria argues that God cannot change the formal (as opposed to accidental) aspects of a thing, as changing a thing's Form essentially means changing that

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creaturae, quin possit producere effectum non ex subiecto supernaturaliter. Illa propositio probatur: Quia sicut Deus ordinavit quod ignis producit calorem in passo approximato, ita posset ordinare quod ignis produceret calorem non in passo seu subiecto. Nullam enim includit contradictionem. *Nam prima ordinatio fuit mere contingens* [my emphasis]; ergo potuit et potest mutari." Hence, if God were to change the nature of a thing *now*, he would have to do so supernaturally, but if he had done so from the beginning, the result of that creative act would not have resulted in a situation any more supernatural, or "inordinate" than exists now.

<sup>67</sup> Deckers, *Gerechtigkeit und Recht*, 83-97, esp. 94.

thing into something altogether different.<sup>68</sup> This conclusion is further confirmed by Vitoria's claim that God cannot remove the effect of a formal cause, as long as that cause remains present. Hence, as the ability to laugh is inherent in human nature, i.e., indissolubly part of the human "Form," God is unable to create a person who naturally lacks this ability.<sup>69</sup> Of course, this is not to say that human beings may not, at one point or another, lose the ability to laugh, but this disability would be accidental, rather than formal; and such an individual's *formal* ability to laugh would remain.

The one remaining difficulty is Vitoria's remark that God could not make snow naturally black, or ravens naturally white. In most cases, color is considered an accident, rather than part of a thing's Form. Yet, it seems likely that in this particular case Vitoria deemed this rule inapplicable, because snow and ravens – as perhaps still evidenced by the colloquial expressions "snow white" and "raven black" – tended to be seen as the archetypal embodiments of these colors. Likewise, although coldness and hotness are normally accidental to a thing, they are formal to water and fire, respectively. More generally speaking, however, the distinction between Form and accident is never absolute. An individual's skin color, for instance, is formal to that person, but only accidental to humankind in general. Hence, even if God would be obligated to create all ravens black, he would nonetheless remain entirely free to create an additional species of bird and paint that species any color he would see fit.

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68 Cf. Vitoria, *De Homicidio*, 1100: "Aqua cum concursu Dei generali producit frigiditatem in se, ut patet in aqua reducende se ad frigiditatem. Ergo Deus non potuit facere quin cum tali concursu esset frigida, et per consequens naturaliter frigida."

69 Ibid.: "[...] Deus non potest tollere effectum causae formalis, manente causa formali. Si ergo homo est formaliter risibilis per suam essentiam, non potuit Deus facere quod sua natura non esset risibilis."

Despite these restrictions, Vitoria thus appears to have left God with a fourfold freedom to act in contradiction to the present, created order. First, God could not have created at all, or not have created a particular thing he, in fact, did create. Second, God could have created things in addition to all the other things he did create. Third, even if God cannot make created things formally different, he could still make them different accidentally, e.g., to have created all, instead of some, human beings with a black skin. Finally, God could act supernaturally, i.e., *de potentia absoluta*, in order to change things from how they were created originally.

These freedoms allowed Vitoria to argue in his *De eo ad quod tenetur homo* that the moral rules of the present order depend entirely on the divine command:

[...] whatever God the Father would do *ad extra*, [e.g.] to whatever degree he would establish a law, he does so with the utmost freedom. He is therefore in no way obligated; and neither a divine promise, nor a law imposes, properly speaking, an obligation on God, but provides only certitude [to the *viator*].<sup>70</sup>

While the established moral order therefore does not possess an absolute necessity, it does have, Vitoria admitted elsewhere, a very limited necessity *ex suppositione*. The natural law is only necessary in so far as it agrees with created nature – which, as pointed out above, could have been otherwise – and since God created nature in the first place, he can freely order human beings to act contrary to the entire natural law, including the Decalogue.<sup>71</sup>

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70 Vitoria, *De eo ad quod tenetur homo*, 1354: “[...] quidquid faciat pater ad extra, quantumcumque constituerit legem, gratis omnino facit. Ergo non obligatur, neque promissio divina, aut lex, inducit proprie obligationem in Deum, sed certitudinem.”

71 Francisco de Vitoria, *Comentarios a la Secunda secundae de Santo Tomás*, ed. Vicente Beltrán de Heredia, 6 vols (Salamanca 1932-1952), q. 57, a. 2, n. 3 (vol. 3, p. 8): “[...] bene dicitur communiter quod jus naturale est necessarium. [...] Et ad argumenta, repondetur quod ‘necessarium’ habet gradus, id est in necessariis est gradus qui debet sumi secundum qualitatem materiae de qua est propositum. Nam aliqua sunt magis necessaria quam alia; alia enim est necessitas in mathematicis, et alia in aliis rebus. Nam in mathematicis est necessitas tanta quod

Although there are notable similarities between Vitoria's and Aquinas' conceptions of the necessity of the established moral order, there are significant differences as well. Vitoria and Aquinas agree, for instance, that the present moral order possess a certain necessity *ex suppositione*.<sup>72</sup> Likewise, God, properly speaking, never gives human beings dispensation from obeying the Decalogue. Examples to the contrary, e.g., Abraham's intended sacrifice of Isaac, the extermination of the Amalekites and the spoliation of the Egyptians, were not dispensations, but rather licit "redistributions" ordered by God, who as creator of the universe is the rightful owner of everything, including every individual life and all earthly goods.<sup>73</sup>

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implicat contradictionem oppositum. Deus enim non potest facere quod triangulus non habeat tres angulos. Sed non est tanta necessitas in naturalibus, ut v.g. necessarium est quod homo respiret, quod habeat duos oculos, duos pedes, et quod sol oriatur cras; et tamen Deus posset facere contrarium, scilicet quod esset homo et non respiret, nec habeat oculos, nec pedes, et quod sol non oriatur cras. Sed ad hoc quod sit necessarium, sat est quod tota natura non possit facere contrarium. Sic ergo jus naturale vocatur necessarium isto secundo modo, scilicet necessitate naturali, quia tota natura simul non posset illud tollere sine auctoritate divina. Dicimus ergo quod sine auctoritate divina per totam naturam non potest fieri contra praecepta decalogi quin sit institutum quod colamus Deum et honoremus parentem, etc."

72 For Aquinas' position see above, chapter 2, p. 78, nn. 56-57.

73 Vitoria, *Comentarios a la Secunda secundae*, q. 104, a. 4 (vol. 5, p. 211): "Respondetur quod Deus in omnibus istis non fecit contra jus naturale nec contra justitiam, nec dispensavit in aliquo praecepto. Dato quod Deus non esset legislator, sed creator, et alius v. gr. Deus esset legislator qui diceret 'non occidas,' etc., nihilominus Deus ipse creator, licet praeciperet alicui occidere aliquem, non faceret contra praeceptum, nec dispensat cum illo cui praecipit occidere alium, quia vita illius quem praecipit occidere, est bonum suum, quia Deus est dominus et auctor vitae et mortis. Ita cum filiis Israel, quibus praecipit accipere res et vasa Aegyptiorum, non dispensavit, quia vasa erant bona sua. Et quia Deus est dominus omnium, ideo potuit dare illa cui voluisset, et sic dedit Judaeis. Similiter nec praeceptum datum Oseae, ut mulierem adulteram acciperet, fuit contra castitatem, quia Deus ipse est ordinator generationis humanae, et ideo ille est legitimus et debitus modus utendi mulieribus quem Deus instituit." Cf. Aquinas, *Summa theologiae*, I-II, q. 100, a. 8, ad ob. 3: "Et ideo quando filii Israel praecepto Dei tulerunt Aegyptiorum spolia, non fuit furtum, quia hoc eis debebatur ex sententia Dei. Similiter etiam Abraham, cum consensit occidere filium, non consensit in homicidium, quia debitum erat eum occidi per mandatum Dei, qui est dominus vitae et mortis. Ipse enim est qui poenam mortis infligit omnibus hominibus, iustis et iniustis, pro peccato primi parentis, cuius sententiae si homo sit executor auctoritate divina, non erit homicida, sicut nec Deus. Et similiter etiam Osee, accedens ad uxorem fornicariam, vel ad mulierem adulteram, non est moechatus nec fornicatus, quia accessit ad eam quae sua erat secundum mandatum divinum, qui est auctor institutionis matrimonii. Sic igitur praecepta ipsa Decalogi, quantum ad rationem iustitiae quam continent, immutabilia sunt."

The differences, however, are at least as pronounced. For example, Aquinas had argued that the present moral order is the only one “good and suitable” for the world as it is.<sup>74</sup> Even if Vitoria would have shared this sentiment, his understanding regarding the meaning and implications of this proposition would be radically different from Aquinas’. The latter, for instance, held that all *viatores* must live up to an *objective* moral minimum, namely obeying the Ten Commandments and having faith in the Trinity and Christ. Vitoria, however, maintained that human wayfarers are obligated, over the course of their lifetimes, to fulfill varying, *subjective* standards. Significantly, while Aquinas appears to hold that the Decalogue may only be licitly disregarded on account of an explicit divine command, Vitoria, as we shall see shortly, argues that the precepts dealing with the proper worship of God may be, in case of invincible ignorance, justly ignored as a matter of course. Hence, from the perspective of the *viator*, there exists no single, immutable moral standard.

This conclusion is further illustrated by Vitoria’s claim that the precepts of the natural law may belong to said law according to three distinct *modi*. Rules of the first *modus* are self-evident and known through the “light of nature.” Those of the second mode are directly and easily derived from these first rules through reason. Obligations of the third mode require further inference and do not immediately appear as probable.<sup>75</sup> Even “otherwise good men,” Vitoria argues, may thus sometimes fail to learn these less obvious

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74 See chapter 2, p. 81, n. 57, above.

75 Deckers, *Gerechtigkeit und Recht*, 127-28 Cf. Vitoria, *Comentarios a la Secunda secundae*, q. 57, a. 2, n. 4 (vol. 3, pp. 8-9): “[...] quomodo poterimus scire jus naturale? [...] Ad hoc respondetur per propositiones. Prima: Omne illud quod lumine naturali per se notum est esse justum ab omnibus et conforme rationi rectae et contrarium illius esse injustum, omne tale dicitur et est jus naturale, sicut non furari, non occidere innocentem, et quod tibi non vis alteri non facias. Secunda propositio: Omne illud quod inferitur et deducitur in bona consequentia ex principiis per se nota, est etiam jus naturale; [...] et sit tertia propositio: Illa quae inferuntur per consequentiam bonam moralem moraliter notam, id est valde apparentem esse juris naturalis, ita quod pro contrario nulla sit apparentia probabilis, debent dici de jure naturali in tertio gradu, quia, ut diximus, in jure naturali sunt gradus.”

rules, and so, on account of their ignorance, be justly excused from obeying a precept, which, under alternative circumstances, would be wholly obligatory.<sup>76</sup>

Furthermore, Vitoria held, as evidenced by the passage quoted above, that God himself is in no way obligated to apply identical, or even consistent standards to every wayfarer. Hence, Vitoria did not, as Aquinas tended to do, stress the stability and necessity of the created universe. Instead, he appears to be arguing – regardless of his insistence that God could not directly lie or deceive<sup>77</sup> – along the lines of Robert Holcot’s argument for the continuing contingency of divine revelation, according to which certitude is provided by faith, rather than knowledge.<sup>78</sup>

Based on these findings, we can almost, but perhaps not quite, label Vitoria as a voluntarist. Although he avoids the term “dispensation,” God is nonetheless free to command human beings to act contrary to the natural law and the Decalogue. Moreover, from the perspective of the *viator*, the current moral order is variable, i.e., contingent rather than necessary. Hence, on the level of the “appearances,” Vitoria can be rightfully called a voluntarist. More precisely, his ideas are meant to evoke the same very principles which underlie voluntarist theology, namely God’s unrestricted freedom and – if only from a human perspective – the (continuing) contingency of the present order.

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76 Vitoria, *Comentarios a la Secunda secundae*, q. 64, a. 5, n. 12 (vol. 3, p. 297): “[...] Brutus et Cassius et multi alii occiderunt se ne paterentur infamiam, et putabant melius et laudabilius facere quam in vitam manere [...] dico, quod illi excusati sunt per ignorantiam. Unde in illo potest cadere ignorantia, si alias essent boni viri.” Cited in Deckers, *Gerechtigkeit und Recht*, 132.

77 On God’s ability to lie, according to Vitoria, see Deckers, *Gerechtigkeit und Recht*. 120-24. Although Vitoria denies that God himself can lie directly, either *de potentia ordinata*, or even *de potentia absoluta*, he leaves open the possibility that God could do so indirectly through another actor.

78 See below, chapter 3, p. 129-30.

Consequently, Vitoria could argue that *viatores* are held to mutable (though not arbitrary) standards, depending on their intellectual abilities and the quality of their religious instruction. These topics, i.e., the psychological development of human wayfarers and their obligations, constituted Vitoria's main point of interest in his *De eo ad quod tenetur homo*. In the following paragraphs, we shall see that Vitoria not only postulated the *necessary* presence of invincible ignorance during this development, but also that such ignorance need not stand in the way of fulfilling one's obligations toward God.

As stated earlier, Vitoria starts off his *De eo ad quod tenetur homo* by investigating the definition of "having the use of reason" and by clarifying the process through which the *viator* initially acquires this ability. In the course of this investigation, Vitoria reaches a number of conclusions. First of all, he equates the use of reason with the capacity to exercise one's free will.<sup>79</sup> Possessing free will entails more, however, than just the ability to will something. Children, drunks, and madmen, for example, are able to use their intellect and their will, but lack true free will.<sup>80</sup> Being able to act, as well as not act, likewise does not equate having free will.<sup>81</sup> Rather, having free will requires that one is in full and deliberate control of one's actions.<sup>82</sup>

Having established these preliminaries, Vitoria then questions why some human beings have free will and the concomitant ability to reason, while others do not; and more

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79 Vitoria, *De eo ad quod tenetur homo*, 1307: "Habere usum rationis idem est quod habere liberum arbitrium."

80 Ibid., 1308: "Non est idem habere liberum arbitrium, aut usum rationis, quod habere actus intellectus et voluntatis. Patet, quia ebrii et amentes non habent liberum arbitrium et tamen habent actus intellectus et voluntatis. [...] Et confirmatur de pueris et somniantibus."

81 Ibid., 1310: "Non videtur idem esse habere liberum arbitrium aut usum rationis quod posse agere et non agere. [...] Probatur hoc primo. Pueri et amentes et somniantes habent actus voluntatis (ut probatum est) et non necessario. Ergo hoc non sufficit ad liberum arbitrium."

82 Ibid., 1314: "Idem est habere liberum arbitrium quod esse dominum suarum operationum."

specifically, how adolescents come to possess these abilities, which are clearly lacking in infants.<sup>83</sup> Vitoria rules out that the absence of free will and proper reason in some individuals is due to inborn differences in intellectual prowess. Although not everyone's intellect is equally capable, these natural variations are not so pronounced that they constitute the difference between mental sickness and health. Moreover, it would be absurd to maintain that intellectual shortcomings could import infancy upon an individual, rather than vice versa. Hence, since all infants are born without the ability to reason and without proper free will, one's inborn mental capacities are irrelevant to the question.<sup>84</sup>

Significantly, Vitoria also excludes the possibility that some individuals are born with superior *habitus* in either the intellect or the will (leaving intact the possibility of inherited *bodily* dispositions influencing these powers). "The human soul," Vitoria writes, "is, as Aristotle maintained against Plato, a *tabula rasa* – a blank slate."<sup>85</sup> Every human being therefore, starts off with largely the same capacity for rationality and free will.

Since the inability to reason properly and to exercise one's free will cannot be ascribed to either the intellect or the will itself, Vitoria concludes that such a failure must be caused by problems in the sensitive soul, namely that part of the soul which processes the

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83 Ibid., 1317: "Cum ista, inquam, sint ista, unde provenit ut unus homo habeat usum rationis at alius non habeat? Et item, cur in infantia non sit, ut est in adolescentia?"

84 Ibid., "Ista differentia non potest provenire immediate ex parte intellectus aut voluntatis. Ista propositio clara est, quia licet revocetur in dubium an intellectus unius sit perfectior intellectu alterius, non potest tamen esse tanta inaequalitas ut faciat amentiam aut sanitatem. Et primum non daretur causa de infantia et adolescentia, cum sint eadem potentiae."

85 Ibid., 1317-18: "Talis differentia non provenit ex aliquo habitu concreto a natura, vel in intellectu vel in voluntate, qui solum sit in uno homine et non in alio, vel in puero et non in adulto. Hoc patet, quia anima nostra est tanquam tabula rasa in qua nihil est depictum, ut Aristoteles disputavit contra Platonem, [...]"



impressions acquired by the external senses.<sup>86</sup> More specifically, without a sufficient amount of “sensible species,” i.e., sense impressions, having entered the mind, it is impossible for the intellect to judge what is to be strived after and what is to be avoided; whence Aristotle (correctly) argued that the intellectual virtues grow with experience and over time.<sup>87</sup> It is precisely for this reason that a great deal of education and instruction is required before a child, or any other individual, may learn to reason properly. “All other things beings equal,” Vitoria declared, “the person who receives the better instruction and who is raised among civilized human beings instead of uneducated rustics, will acquire the ability to reason first.”<sup>88</sup> It was therefore only to be expected that the Indians would turn out to be more ignorant, and consequently less virtuous, than their Spanish conquerors, who – if only according to themselves – had profited from a far superior upbringing.

After thus having explained why certain human beings, despite their inborn capacities, are unable to properly use their reason, Vitoria further specifies what happens “at the first instant” when such individuals overcome these difficulties and, for the first time ever, manage to deliberate freely. Significantly, Vitoria concludes that, properly speaking, one’s first rational deliberation is never free. For in order for such a deliberation to be free indeed, the person having that deliberation must first have freely elected – which, Vitoria

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86 Ibid., 1318: “Defectus et imperfectio vel privatio usus rationis, vel semper, vel ex multo maiori parte, provenit ex defectu et imperfectione partis sensitivae cognoscitivae, scilicet a sensibus, et maxime interioribus.”

87 Ibid., 1322: “Nulla dispositio qualitatum naturalium sine speciebus sensibilibus est sufficiens ad usum rationis. Volo dicere, quantumcumque organum esset optime dispositum per qualitates naturales et ad recipiendum species, nondum diceretur quis habere usum rationis. Haec patet manifeste, nam ad iudicandum et consultandum quid vitandum est et quid prosequendum, requiritur multitudo specierum. Etenim ad recte consultandum in agendis oportet habere memoriam praeteritorum, ut dicit Cicero 2 *Rethoricorum* [sic] et Aristoteles 2 *Ethicorum*, quod virtutes intellectuales indigent experimento et tempore”

88 Ibid., 1322-23: “Ad hoc quod aliquis perveniat ad usum rationis, multum facit doctrina, educatio et institutio. Volo dicere quod prius quis, ceteris paribus, perveniet ad usum rationis si bene instituat et inter civiles homines quam apud rusticos.”

points out, requires a deliberation – to deliberate. Yet, prior to a first deliberation, the individual in question, by definition, lacked that ability and hence could not have deliberated; whence a first deliberation cannot be free. Because of this, a first deliberation, Vitoria remarks, is neither good, nor evil; neither meritorious, nor demeritorious.<sup>89</sup>

Since, then, a first deliberation is not subject to human election, an external cause, either natural or supernatural, is responsible for moving an individual toward the initial use of reason.<sup>90</sup> From this conclusion follows that anyone deliberating for the first time, has been lacking the freedom to deliberate prior to that moment; but also that such an individual could have deliberated sooner, if an *external* cause would have allowed him to do so.<sup>91</sup> In other words, the observation that certain individuals are unable to use their reason, is irrelevant in judging their relative moral quality. More precisely, the average Spaniard (who is able to use his reason) is not necessarily more virtuous than the average Indian (who may lack this ability), because proper reason depends on an external cause, rather than any kind of internal act for which the *viator* could justly claim merit. It is not even the case that God, through the providential use of external causes, is more willing to grant the use of reason to

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89 Ibid., 1328: “Prima deliberatio non potest esse proprie libera, id est quod sit in potestate hominis deliberare, et non deliberare. Probat, quia liberum proprie est ex electione vel actus qui sequitur deliberationem, ut supra diximus, neque est actus humanus, nisi sit deliberatus. Sed deliberatio prima non potest sequi deliberationem, quia non est processus in infinitum. Ergo non potest esse proprie libera. Unde sequitur quod prima deliberatio non potest esse bona vel mala, meritoria, vel demeritoria.”

90 Ibid., “Prima deliberatio est ex causis omnino naturalibus, vel prorsus extrinsecus, puta vel a Deo vel ab angelo.”

91 Ibid., 1329-30: “Cum quis primo deliberat non habuit in sua libertate prius deliberasse. [...] Cum quis primo deliberat potuit prius deliberasse. Probat, quia prima deliberatio est a causis mere naturalibus, ut dictum est, et illae potuerunt prius concurrere.”

Spaniards than to Indians. For God, Vitoria writes, “does not always actively concur with particular causes leading *viatores* to counsel.”<sup>92</sup>

Furthermore, as human beings must depend on an external cause in order to first use their reason, they are not held to acquire this ability themselves.<sup>93</sup> Hence, those individuals who, at a certain point, find themselves able to reason, are under no obligation whatsoever to have deliberated before.<sup>94</sup> Vitoria further clarifies the implications of this conclusion by stating that the “first instant” in which *viatores* possess the ability to reason is when they *actually* make use of this capability, rather than when they could, theoretically speaking, have acquired this power.<sup>95</sup> “When learned scholars question,” he writes, “whether individuals would be obliged to do something in the first instant of their ability to reason, and to which standards such persons are to be held, it is necessary that we understand ‘the first instant’ as the moment when they actually deliberate.”<sup>96</sup> The implications of this conclusion are clear. The Indians, by remaining unable to properly use their reason, do not violate any divinely imposed obligation; and hence, they may not be condemned or punished for this particular shortcoming.

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92 Vitoria’s proposition quoted *supra*, n. 90 is followed on p. 1329 by the following qualification: “Quod non videtur sic intelligendum quod Deus concurrat semper tanquam causa particularis ad primum consilium.”

93 Ibid., 1330: “Prima deliberatio non potest cadere sub praecepto. Haec patet ex aliis, quia non est in potestate hominis si est naturalis. Ergo non potest cadere sub praecepto. Non enim dantur praecepta nisi de actibus qui sunt in nostra potestate. Et si omittitur, non libere omittitur.”

94 Ibid.: “Quicumque primum deliberat non tenebatur prius deliberasse. Patet ex dictis, quia non erat in sua libertate. Ergo non poterat ei esse praeceptum.”

95 Ibid., 1331: “Primum instans vel tempus usus rationis est in quo quis primo deliberat actu, non in quo potest primo deliberare.”

96 Ibid.: “Cum doctores quaerunt an homo obligetur ad aliquid in primo instanti usus rationis et ad quid teneatur, intelligendum est necessario de primo instanti vel tempore in quo deliberat.”

At this point, we may recall that Aquinas had argued that the precepts of natural law necessarily follow from the natures of those creatures subject to it. More specifically, because the nature of a human being is that of a rational animal, natural law dictates that all individuals are held to use their reason in order to seek the truth about God.<sup>97</sup> Vitoria, however, is willing to argue that, under certain circumstances, *viatores* may licitly fail to act in accordance with their innate, rational natures. In other words, Vitoria casts aside Aquinas' necessary agreement between created law and the creatures governed by it. In short, the precepts human wayfarers are held to obey lack (natural) necessity, whence there is no contradiction in maintaining that God could have instituted different rules.

From this we may deduce that the laws God *has* chosen to establish (which includes any "normal," non-arbitrary dispensation) are not so much the result of the necessary conclusions of the divine intellect, as of the outcome of a contingent determination of his free will. Thus, in order to excuse the Indians and similar unfortunate souls from guilt, Vitoria once more bases his argument on voluntarist assumptions.

Having thus dealt with his first question, Vitoria moves on to discuss what human beings who have just acquired the ability to reason are initially capable of. In order to provide a satisfactory answer to this inquiry, our Salamancan sets out to resolve four *dubia*: (1) whether someone arriving for the first time at the ability to reason is able to know God; (2) whether such a person may perform acts that are morally good; (3) whether such a person may sin; and (4) whether any such person may possess sufficient reason to sin venially, before being capable of sinning mortally.<sup>98</sup>

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97 See above, chapter 2, n. 59.

98 Vitoria, *De eo ad quod tenetur homo*, 1333: "Secunda pars et quaestio relectionis erat 'quid homo possit cum primum pervenerit ad usum rationis.' Circa quam maxime occurrunt quator dubia. Primum: An quilibet cum

It is important to note outright that Vitoria, halfway through answering these questions, suddenly introduces a new distinction between merely “employing and consulting one’s reason” and, properly speaking, “having the use of reason.” The latter ability, Vitoria adamantly maintains, requires *viatores* to distinguish between good and evil, which, in its turn, is dependent on their knowledge of God and the divine law. The *dubia* which Vitoria addresses in this section of his *relectio* therefore do not seem to concern individuals having the use of reason *simpliciter*, i.e., “as the theologian and philosopher would understand it,” but rather those persons who, like children and the mentally disabled (and perhaps natural slaves!), may not be totally bereft of reason, but are hardly in full control of this capacity either.<sup>99</sup>

Yet, Vitoria appears to deliberately sow doubts regarding his commitment to this finding. Although he had stated that those ignorant of God lack any actual, or “proper” ability to reason, our Salamancan also points out that this inability logically follows from their ignorance of divine law, rather than of God himself.<sup>100</sup> He then proceeds to explain

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primum pervenerit ad usum rationis possit Deus cognoscere.” 1338: “Secundum dubium est: An quilibet talis possit bene moraliter agere.” 1345: “Tertium dubium in hac secunda quaestione est: An omnis talis perveniens ad usum rationis possit peccare.” 1359: “Quartum dubium circa eandem quaestionem est: An possit quis habere usum rationis ad peccandum venialiter priusquam ad peccandum mortaliter.”

99 Ibid., 1350: “Quicumque non cognoscit, nec potest cognoscere Deum, non habet usum rationis. Et sic de eo de quo positum est dubium tam primum, quam secundum quam tertium, diceremus quod quod omnia ista dubia praesupponunt falsum, quod scilicet talis habet usum rationis, qui non potest cognoscere Deum. Sed diceremus quod est idem iudicium de illo et de puero et amente, neque bene, neque male potest agere. Et sicut supra diximus quod quantumcumque quis habeat usum rationis in artificialibus, vel in quibuscumque aliis, si tamen non possit sufficienter deliberare de moribus, non habet simpliciter usum rationis, ut loquitur theologus et philosophus. Ita videtur dicendum de eo qui non cognoscit neque potest cognoscere Deum, quod quantumcumque utatur ratione et consultet, nondum pervenit ad usum rationis [my emphasis], quia non potest deliberare de bono et malo; quia ut videtur sentire Sanctus Thomas 1.2, q. 19, a. 4 et q. 71, a. 6, nihil est bonum aut malum, nisi quia probatur, aut reprobatur in lege divina. Et ideo qui non cognoscit legem divinam, deficit ei principium ad deliberandum de agendis et sic nondum habet usum rationis.”

100 See the first and last sentence of the quote in footnote immediately above: “Quicumque non cognoscit, nec potest cognoscere Deum, non habet usum rationis;” and: “Et ideo qui non cognoscit *legem divinam* [my emphasis], deficit ei principium ad deliberandum de agendis et sic nondum habet usum rationis.”

that the divine law, from a human perspective, may be considered in a twofold manner. On the one hand, the divine law is something that exists within God, whence it remains entirely unknown to humankind, while on the other hand, in so far as God allows it, the divine law may be known, either through the “light of nature” or direct revelation. The divine law therefore only obligates human beings to a certain, limited extent. Hence, “it is not necessary,” Vitoria declares, “that the *viator* would know a divine law precept to be a [prescribed] law, or, for that matter, the lawgiver who proposed it. It is sufficient that he would correctly understand something to be either good or evil, *even if he would remain entirely ignorant of what caused said thing to be good or bad*” [my emphasis].<sup>101</sup> Thus, even though human beings must know the *lex divina* in order to have, properly speaking, the use of reason, it would be adequate, Vitoria clearly suggests, if they know God only “informally” (in the literal, technical meaning of the word) through his divine law, rather than directly as the benevolent creator and Supreme Being of the universe.

The distinction between “using one’s reason” and “having the use of reason” *simpliciter*, i.e., simply, or properly speaking, is therefore perhaps theoretically valid, but hardly a suitable basis for distinguishing the moral caliber of one person compared to the next. After all, in order to satisfactorily classify individuals into either of the two categories, a correct judgment regarding the presence or absence of an exceedingly vague, indirect, and, literally, informal knowledge of God would be required. Vitoria himself admitted that it was “certainly not easy” to distinguish between merely “employing one’s reason” and actually

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101 Vitoria, *De eo ad quod tenetur homo*, 1354-55: “[...] dico [...] quod lex divina dupliciter potest considerari a nobis. Uno modo, ut est in ipso Deo, et sic omnino est nobis ignota, neque hoc modo nos obligare posset. Alio modo, prout nobis innotescit, vel per lumen naturale vel per revelationem, et hoc modo nos obligat. Dico ergo quod ad hoc aliquis obligetur lege divina, non oportet ut formaliter sciat esse aliquam legem vel legislatorem a quo lata sit. Sed satis est quod sciat aliquid esse bonum vel malum, etiam si ignoraret omnino causam quare est bonum vel malum, vel utrum sit prohibitum vel non.”

“having the use of reason.”<sup>102</sup> He seems to only have introduced the dichotomy in order to avoid the conclusion that fully rational individuals who are invincibly ignorant of God could be, by extension, invincibly ignorant of the divinely instituted moral order; and hence, unable to sin.<sup>103</sup> This position would lead to absurd and unacceptable consequences, namely that such *ignorantes* could, for example, licitly kill or fornicate.<sup>104</sup>

Vitoria was therefore forced to argue that all those possessing true reason would know God – if only vaguely and indirectly through their awareness of the divine law. This limited knowledge, however, offered sufficient grounds for postulating the presence of an obligation of obedience, as well as a concomitant ability to sin. Thus, all those first arriving at the use of reason, Vitoria concludes, are able to sin. This is even true, contrary to what he had argued before, “at the first instant,” albeit only by omission, rather than commission, i.e., by failing to obey the precepts, limited as these may be, *which are already known*.<sup>105</sup> In other words, “arriving at the use of reason” does not immediately impose a new obligation

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102 Ibid., 1358: “Et certe non est facile ponere differentiam quantum ad hoc, inter primum instans usus rationis et primum instans simpliciter.”

103 Ibid., 1045-1049, esp. 1045: “Tertium dubium in hac secunda quaestione est: An omnis talis perveniens ad usum rationis possit peccare. Et loquimur semper de illo qui nec Deum cognoscit nec potest cognoscere. Et pro parte negativa fiunt argumenta neque levia neque ita facile expedebilia.” 1348: “Item, si quis ignoret invincibiliter dominum, non tenetur praeceptis domini. Ergo qui ignorat Deum, non tenetur praeceptis Dei.”

104 Ibid., 1355: “Et hoc confirmatur apparenter, quia si ignorantia Dei invincibilis omnino excusaret a peccato, ergo dato quod ignorantia esset culpabilis [as Vitoria’s opponent Gregory of Rimini had implicitly argued, cf. pp. 1352-53], Deobligaret ab aliis praeceptis legis divinae. Et qui omnino ex ignorantia crassa ignoraret Deum esse, non teneretur honorare parentes neque diligere proximum. Consequens est absurdum, dicere videlicet quod impii negantes Deum esse, solum peccarent illo peccato, et non fornicando neque occidendo. Ergo nullo modo est admittendum.”

105 Ibid., 1358: “Et sic dicerem de primo instanti usus rationis quod talis scilicet, non potest peccare commissive, sed bene omissive.” Cf. 1356: “Sed ex alio capite arguitur, quod perveniens ad usum rationis non possit peccare, saltem pro primo instanti usus rationis, quantumcumque habeat notitiam Dei. Et loquimur de eo qui nutritus est et educatus in vera religione.” It must be noted, however, that if Vitoria is able to equate the *cognitio Dei* with a vague and indirect knowledge of God, it would seem hardly far-fetched to understand *nutritus et educatus in vera religione* as “sketchily educated in some parts of the divine law.” In any case, no other solution suggests itself for what otherwise would appear as a pointless exercise in self-contradiction.

upon the *viator*, such as, for example, to acquire an explicit understanding of God and Christian doctrine. Hence, we may conclude once more that Vitoria's distinction between "using one's reason" and, properly speaking, "having the use of reason" is theoretical, rather than practical; and as far as Vitoria's *relectio* was meant to influence actual Spanish behavior toward the American natives, we may safely ignore the distinction altogether.

Having discussed these preliminaries, we now return to the first *dubium* of the second part of *De eo ad quod tenetur homo*, where Vitoria questions whether someone arriving for the first time at the ability to reason is, *simpliciter* speaking, able to know God. While addressing this issue, our Salamancan arrives at several significant conclusions. First of all, he claims that, when suitable teachers are lacking, it would take a long time to arrive at the knowledge that God exists – even for individuals having reached the proper age for instruction in these matters. Although it is possible, Vitoria admits, to learn of God's existence through the "light of nature" and experience alone, this would be "very difficult," as it would require "much ingenuity and education" on behalf of the *viator*.<sup>106</sup>

Vitoria thus concludes that, in the absence of Christian teachers, it is possible to remain "for some time" invincibly ignorant of God.<sup>107</sup> This finding is already sufficient to resolve his first *dubium*: not every individual who just has acquired the ability to reason,

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106 Ibid., 1334: "Ad cognoscendum quod Deus est, saltem sine doctore extrinseco, homo indiget non parvo tempore, etiam post capacitatem ad percipiendum disciplinas. [...] patet, quia si potest cognosci, hoc maxime est argumentis et rationibus procedentibus ex solo lumine naturali et experientia rerum et cognitione naturali creaturarum, sicut videtur ad Rom. 1,20. Sed hoc est valde difficile, ut patet ex rationibus factis tum ab Aristotele, tum aliis philosophis et doctoribus, quae sunt difficiles et procedunt ex principiis quae indigent magno ingenio et doctrina."

107 Ibid., 1334-35: "Si quis non habet doctorem extrinsecum, videtur quod pro tempore possit habere ignorantiam invincibilem de Deo."



Vitoria observes, is able to know God.<sup>108</sup> In response to the obvious objection that God will infallibly provide suitable instruction to those who *faciunt quod in se est*, Vitoria claims that God does not always do so immediately. This, however, entails no shortcoming in God's benevolent providence: he will either illuminate such individuals at another time, or not hold their ignorance against them. More will be said, Vitoria promises, about this solution at a later stage in his lecture.<sup>109</sup>

Despite Vitoria's admission that it is possible for certain individuals to remain invincibly ignorant of God's existence, he also considers it probable that such ignorance cannot extend to entire nations. Although Vitoria admits he is unable to prove it, he deems it likely that "there exists, has existed, or will exist no nation where even a probable notion of God, in which all must reasonably believe, would be altogether absent."<sup>110</sup> in other words, no nation has been, or will be so bereft of truth that the majority of inhabitants cannot reasonably suspect God's existence and the service that is due to him. To assume the contrary, Vitoria claims, would cast doubt on the presence of a benevolent and efficacious divine providence.<sup>111</sup>

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108 Ibid., 1335: "Et per hoc facile posset responderi ad dubium; videtur enim respondendum negative, scilicet quod non omnis talis potest cognoscere Deum cum primum pervenit ad usum rationis."

109 Ibid.: "Ad secundum [argumentum] diceretur, quod saltem prius esset quod iste quaereret et laboraret ad inveniendum, et tunc Deus provideret et iam saltem pro aliquo tempore ignoraret. Et item Deus non semper provideret docendo, quia clarum est quod aliquis, etiam faciens quod in se est, potest habere ignorantiam de necessariis ad salutem, puta de Christo, et de praeceptis, saltem pro tempore. Sed Deus provideret, vel illuminando, vel non imputando ignorantiam. De hoc tamen latius in 3 et 4 q."

110 Ibid., 1335-36: "Sed his non obstantibus sit tertia propositio probabilis: 'Nusquam est, nec usquam aut unquam fuit natio, nec erit, ubi non sit notitia de Deo probabilis et cui omnes rationabiliter teneantur credere.' Ista propositio fortasse non poterit ita manifeste probari, sed certe apparet."

111 Ibid., 1336-37: "Probatior maior ex illo: 'Pater meus usque modo operatur.' Item: 'Tu autem pater gubernas omnia providentia. Item Sap. 8,1: 'Sapientia attingit a fine usque ad finem,' etc. Item: 'Deus vult omnes homines salvos fieri,' qui non possunt salvi esse nisi per cognitionem Dei. Ergo."

Thus, while Vitoria accepts the possibility of invincible ignorance of God as such, he qualifies this conclusion by putting limits on the extent of said ignorance. Certain individuals may suffer from it, but not societies as a whole. Despite the possibility of remaining invincibly ignorant *pro aliquo tempore*, such ignorance – as we will see shortly – cannot last. Also, while God’s existence, for example, may be the subject of invincible ignorance, this is not so, Vitoria maintains, with regards to the precepts of the natural law and the Decalogue. Although Vitoria concedes that these precepts are not self-evident, he finds that, because of God’s benevolent providence, one cannot remain ignorant of such commandments, “except on account of malice.”<sup>112</sup>

In marked contrast to Las Casas, then, Vitoria argues in his *De temperantia* (1537) that practitioners of human sacrifice, since it is a violation of the natural law, cannot be excused on account of their ignorance. For in the case of an innocent victim, human sacrifice violates the precept of the Decalogue “thou shalt not kill;” while the death of a convicted criminal, i.e., of a useless and harmful member of society, would hardly constitute a real sacrifice.<sup>113</sup> Furthermore, the desire to perform a human sacrifice, Vitoria contends, does not, as Las Casas would later argue, emerge from some sort of reasonable or “natural” assumption. The obligation to offer sacrifices to God, Vitoria reminds his audience, is part of revealed law, as evidenced by the absence of sacrifices in the state of innocence. Hence, if a purely negative

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112 Ibid., 1337: “[...] etiam praecepta iuris naturalis et decalogi non sunt per se nota, et tamen ex providentia Dei doctores concedunt quod non stat ignorari, saltem nisi ex malitia [...]”

113 Francisco de Vitoria, *De temperantia*, ed. Teofilo Urdanoz OP, *Obras de Francisco de Vitoria* (Madrid 1960), 995-1069: 1032: “[...] ponitur conclusio: Prohibitum est iure divino et naturali sacrificare homines Deo.” 1033: “Sed quae est ratio? Primum de innocente est clara, quia est contra ius naturale occidere hominem innocentem, cum sit praeceptum decalogi.” 1034: “Praeterea, etiam omne sacrificium est oblatio, ut Sanctus Thomas dicit ubi supra. Non offert autem quis, nec dicitur offerre munus rei alias inutilis vel perdendae. [...] Offerre enim est, ut aliquid sibi homo subtrahat, ut Deo tribuat. Cum ergo homo damnatus non sit alicuius pretii, sed perniciosus, non potest ex illo offerri sacrificium aut fieri [...]”

ignorance were the cause of the Indians' mistaken assumptions about what constitutes a proper sacrifice, they would, rather than human beings, offer no sacrifices at all.<sup>114</sup>

Likewise, the purported sacrifice of Isaac offers no indication of the reasonableness of the practice. The good in Abraham's intended act, Vitoria proposes, consisted of his unquestioning obedience to one of God's special, extraordinary commands. Yet, in the absence of such a divine order, this particular violation of natural law, as well as, for example, the extermination of the Amalekites, would be neither licit, nor virtuous.<sup>115</sup> Abraham may also have believed, Vitoria notes, that God would bring Isaac back to life, so that his son would suffer no real injury.<sup>116</sup> But regardless of the precise circumstances of Abraham's actions, the Indians cannot justify their sacrifices on either ground, whence the biblical precedent offers no excuse whatsoever. Not coincidentally, the protection of (future) victims of human sacrifice is one of the few reasons Vitoria considers to be a legitimate cause for war against the American natives.<sup>117</sup>

In the light of these statements, we may safely conclude that Vitoria held a rather negative view of the original inhabitants of the New World. Despite giving a radical new

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114 Ibid., 1035: "Quod si quis contenderet hoc non esse prohibitum iure naturali, excusaremus istos barbaros ab impietate, saltem antequam esset eis praedicata lex evangelica; quia excusabantur ignorantia iuris evangelici, in quo non solum sunt prohibita huiusmodi sacrificia, sed quaecumque alia, excepto unico sacrificio missae [...] Nec solum de sacrificio hominis, sed nec de quocumque alio posset reddi ratio aliqua nisi Deus revelasset; quia cum bonorum nostrorum non egeat, potius videtur absurdum occidere in gratiam Dei animal quodcumque. Unde ex ipso solo sciri potest. Et idcirco in statu innocentiae nullum fuisset sacrificium."

115 Ibid., 1036: "[...] de Abraham beatus Augustinus [...] dicit quod dato quod lege generali prohibita sint huiusmodi sacrificia, tamen iubente domino specialiter possunt fieri bene et pie, sicut et seipsum occidere, et innocentes, sicut praeceptum est Sauli, ut occideret omnes habitatores Amalech."

116 Ibid.: "Vel forte, inquit [Augustinus], putavit Abraham dominum filium suum suscitaturum, et sic nullam faceret Isaac iacturam."

117 Ibid., 1050-51: "Principes Christianorum possunt inferre bellum barbaris quia vescuntur carnibus humanis et quia sacrificant homines. Probat. Primum, si comedant aut sacrificent innocentes, quia possunt illos defendere ab illa iniuria [...]."

meaning to the term, he had left open the possibility that the Indians were slaves by nature. Moreover, Indian society as a whole, Vitoria suggests, seems rotten through and through. The existence of an efficacious and benevolent divine providence notwithstanding, proper religion was completely absent. Similarly, in spite of God's providential arrangements to promote awareness of the natural law, the Indians had nonetheless ignored the prohibition of human sacrifice.

Nonetheless, Vitoria explicitly and emphatically argues that individuals may remain, if only for some time, guiltless of the aforementioned societal shortcomings; and hence, *must* be spared punishment. What is striking, then, about Vitoria's argument is his relatively great concern with avoiding individual harm, as opposed to the correction of communal abuses. This lopsidedness appears to have been caused by his assumptions regarding the extent of human ignorance (including his own), as well as his trust in the infallibility of divine providence and judgment.<sup>118</sup> Thus, we may discern the origins of a theory of *individual* rights, in which the law is primarily sympathetic to the single individual, rather than the collective body politic, as represented by the powers that be.

In any case, we must be aware that Vitoria, when discussing topics such as invincible ignorance and divine dispensations, is unequivocally concerned with individuals, rather than entire societies, and with (somewhat) extraordinary situations instead of the normally established order. Thus, when Vitoria, citing Cajetan, reiterates that someone first arriving at the ability to reason may temporarily remain ignorant of God, we must understand that the

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118 Cf. below, chapter 1, pp. 52-53.

invincibility of this individual's ignorance, becomes increasingly exceptional, the longer he remains in this condition.<sup>119</sup>

Although it would seem that in the majority of cases ignorance of God is the result of a deliberate turning away from the fount of all goodness, Vitoria subsequently questions whether someone suffering from blameless ignorance – caused, for example, by a lack of education or a prior inability to reason – may nonetheless perform morally good acts.<sup>120</sup>

In order to provide a positive answer to this question, Vitoria must first counter Gregory of Rimini's claim that for an act to be morally good, it has to have been performed with the actor mindful of the proper final cause of all human actions, namely God himself. Every act that does not meet this criterion is necessarily sinful.<sup>121</sup> Significantly, Vitoria contradicts this assessment by referring to the authority of Ockham and Biel. These nominalists, our Salamancan contends, represent the “more common opinion,” *viz.* that an act may be morally virtuous, even when it has been performed without the ulterior motive of pleasing God.<sup>122</sup>

Vitoria further argues against Rimini's position by pointing out that those who are ignorant of God and lack suitable teachers may only know God and, ultimately, perform

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119 Vitoria, *De eo ad quod tenetur homo*, 1338: “[...] potest poni quarta propositio absoluta, quod potest quis pervenire ad usum rationis, et pro aliquo tempore non habere notitiam Dei [...] Et ita tenet Caietanus [2,2], q. 10, a. 4 expresse.” For a discussion of Cajetan's argument, see above, chapter 4, pp. 187-88.

120 Ibid.: “Secundum dubium est: An quilibet talis possit bene moraliter agere. Et quia de alio non est difficultas, perseverat dubium de illo, qui ita educatus est extra religionem, et sine doctrina et mentione Dei.”

121 Ibid., 1338-39: “De hoc dubio Gregorius Ariminensis 2, d. 28 et prius d. 26 omnino contendit quod ad actum moraliter bonum requiritur circumstantia ultimi finis, qui est Deus. Itaque nisi actu vel habitu actus referatur in Deum, actus non solum non est bonum, sed est malus et peccatum.” For a discussion of Rimini's argument, see chapter 3, pp. 140-142.

122 Ibid., 1339: “[...] Ockham apud Gabrielem 2, d. 28 tenet quod ad actum moraliter bonum non requiritur quod referatur in Deum. Et ita tenet Gabriel illic et est communior opinio [...]”

virtuous acts through some special interior illumination. Yet, because these individuals are only able to sin, they have no way to properly dispose themselves for receiving such illumination.<sup>123</sup> In effect, Rimini is denying the Indians (of whose existence and conditions he, of course, was wholly ignorant) free will. Although Rimini had argued, according to Vitoria, that such an inability to perform virtuous acts was not an impossibility – as long as its cause could be ultimately ascribed to original sin – our Salamancan still wants to have none of this. “But surely,” he adds dismissively “this does not appear to have been stated Catholically.”<sup>124</sup>

Because it would otherwise contradict the dogma that all human beings have free will, even those individuals who are ignorant of God are able, Vitoria declares, to perform virtuous acts.<sup>125</sup> It is pointed out, moreover, that, according to both Cajetan and Aquinas, every human act that is performed with the purpose of achieving a good end, “virtually” refers back to the ultimate final cause, i.e., God, as it was he who created all good things in the first place.<sup>126</sup> Hence, there is no reason to doubt the dogma of human free will; and

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123 Ibid.: “Contra quam opinionem [Gregorii] argumentor sic. Quia sequitur quod nulla via posset ille, qui aliquando ignoraret Deum, pervenire ad cognitionem eius, saltem nisi casu haberet exteriorem doctrinam. Probat, et maxime secundum sententiam eius, loco citato, quia non potest pervenire ad talem cognitionem sine speciali auxilio Dei. Sed iste nullo modo potest se disponere ad tale auxilium, quia per omnes actus suos peccat. Ergo non potest.”

124 Ibid., 1341: “Ad hoc argumentum responderet necessario Gregorius quod, non obstante quod Deus negaret alicui speciale auxilium ad vitandum peccatum, nihilominus imputaretur ei quia ista privatio vel ignorantia est ex peccato originali. Et ita respondet expresse in illa d. 26, q. 1 in fine: ‘Sicut si quis ex ignorantia, quam incurrimus ex originali peccato, ageret quod non debet.’ Sed hoc profecto non videtur catholice dictum.”

125 Ibid., 1342: “Omnis homo cum primum ad usum rationis pervenerit, etiam si Deum neque cognoscat neque possit cognoscere, potest bene moraliter agere. Haec probatur primo, quia (ut dictum est) liberum arbitrium est facultas rationis et voluntatis. Ergo quicumque habet liberum arbitrium potest non solum cognoscere bonum et malum, sed etiam facere et velle, ut supra dictum est. Non enim loquuntur theologi aut philosophi de usu rationis aut libero arbitrio nisi in ordine ad bonum et malum, et ideo aliqui vocantur amentes et insani.”

126 Ibid., 1343-44: “Et quidem de relatione formali in Deum, vel concomitante, vel etiam praecedente, ita tenet Caietanus 2.2, q. 10, a. 4 Dicit tamen quod per hoc quod actus humani referantur in bonum obiectum,

consequently, those individuals suffering from invincible ignorance regarding God's existence must be fully able to perform virtuous acts.

Such *ignorantes*, as mentioned earlier, likewise possess the ability to sin, which, according to Vitoria, is defined as violating the obligations God imposed upon, and communicated to humankind. Again, Vitoria introduces Rimini as the primary opponent of his position. The latter had argued that sin and evil exist independently from God's command. By contrast, our Salamancan, holding the more voluntarist position, maintained (contrary to what Anthony Pagden's has claimed) that evil was but the opposite of what God had freely ordained.<sup>127</sup> It is precisely this voluntarist aspect of Vitoria's moral theology, we may now note, that forced him to distinguish between "using one's reason" and, properly speaking, "having the use of reason." For without awareness of some sort of obligation, which is predicated upon "having the use of reason" *simpliciter*, moral acts, whether meritorious or demeritorious, cannot be committed. Hence, Vitoria felt required to expand

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virtualiter referuntur in Deum, quia referuntur in res eo modo quod Deus instituit. Sicut et omnia naturalia fiunt propter finem, 2 *Physicorum*, et tamen non semper referuntur in talem finem ab ipso agente; ut actus hirundinis cum componit nidum, aut formicae cum frumentatur in aestate, referuntur quidem ad certos fines non ab hirundine vel formica, sed a superiori intelligentia. 1344: "Hoc dicit Sanctus Thomas in 2, d. 38, a. 1: 'Sicut rerum (inquit) omnium unus est finis ultimus, id est, Deus, ita et voluntatum omnium unus est finis ultimus, scilicet Deus. Nihilominus sunt alii fines proximi, et si secundum illos fines servatur debita relatio voluntatis in ultimum finem, erit recta voluntas.'"

127 Ibid., 1352-53: "Ad rationes autem in contrarium, Gregorius quidem Ariminensis in 2, d. 34 tenet duo. Primum, dato per impossibile quod non esset Deus, adhuc esset peccatum et malum morale. Secundum, dato quod nulla esset lex prohibitiva divina, adhuc essent peccata. Infert corollarium, quod multa sunt peccata ita secundum se mala, quod non sunt mala, quia prohibita etiam lege divina. [...] Hanc tamen propositionem nullo modo puto probabilem; neque est mihi intelligibile quomodo aliquis peccet, si omnino non obligatur; neque video quomodo obligetur si non habet superiorem. Atque adeo si vel Deus non esset, vel nihil praeciperet, ego non dubito quin nullum esset proprie peccatum aut malum morale, licet posset esse peccatum sicut est in natura vel in arte. *Nec esset aliter malum quod homo interficeret patrem quam quod lupus interficeret matrem*" [my emphasis]. Cf. n. 71 above. These passages clearly contradict Pagden's claim that Vitoria held that the precept "do unto others," etc. would remain valid "even if God had not uttered [the command], or even if God, *per impossibile*, did not exist." Although Pagden footnotes this statement, the reference in question offers no support for his contention. See his *The Fall of Natural Man*, 62 and 212, n. 20.

*his* definition of “having the use of reason,” as to include somewhat more than simply being able make use of one’s rationality.

As to Vitoria’s final *dubium* of the second part of *De eo ad quod tenetur homo*, he agrees with Aquinas that it is impossible for any individual to possess sufficient reason to sin venially, while remaining incapable of sinning mortally.<sup>128</sup> Thus, as long as human beings possess some vague, indirect knowledge of God through his divine law, these individuals, besides being able to act virtuously, are capable of sinning both venially and mortally. In other words, said persons are allowed the full range of moral action, i.e., they are wholly free to turn toward either good or evil. So far, then, Vitoria has succeeded in removing any obstacle that would prevent individual Indians from being portrayed as fully capable moral agents, who therefore should be able to earn salvation. Yet, one crucial question remains to be addressed: what obligations must these individuals fulfill in order to do so?

Vitoria answers the aforementioned question in the brief, third section of his *relectio*. Considering the preceding discussion, his views will be hardly surprising. He concludes, once more following Cajetan, that those first arriving at the use of reason are not immediately obligated to “explicitly, distinctly and formally” convert to the proper worship of God. For, as stated before, it takes a great deal of time in order to acquire the necessary knowledge to do so.<sup>129</sup>

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128 Ibid., 1363: “Sanctus Thomas 2, d. 42, q. 1, a. 4, ad 7 sic dicit: “[...] non potest esse quod homo venialiter peccet ante illud tempus quo usum rationis habet ut iam mortaliter possit peccare.”

129 Ibid., 1367: “Non quilibet perveniens ad usum rationis tenetur se convertere in Deum explicite, distincte et formaliter. Ista propositio est expresse Caietani 2.2, q. 10, a. 4, ubi dicit expresse quod ad diligendum Deum explicite, ut finem naturae et universi, non tenetur homo semper, cum sit praeceptum affirmativum; neque statim, quia non tenetur prius diligere quam cognoscere. Constat autem quod multum temporis advenit homini ista cognitio naturaliter loquendo.”



Yet it seemed probable to Vitoria that such individuals are nonetheless held to immediately act “in a certain way.”<sup>130</sup> More specifically, they are obligated to turn toward good “in the manner as they are then capable of, i.e., in accordance with the knowledge they presently possess.”<sup>131</sup> In other words, it is sufficient if they “do what is within them.” Only when Christian doctrine has been explained to them sufficiently, are they held to explicitly believe and obey the tenets of Christianity.<sup>132</sup> Although God will eventually illuminate those who *faciunt quod in se est* regarding the obligations of the Christian faith, it is certainly not the case, Vitoria argues, that God will do so immediately. It is no more than logical, Vitoria contends, that God will provide illumination only some time after the *viatores* in question have started to do what is within them.<sup>133</sup> In case of invincible ignorance, then, salvation may be earned as the result of a long, hard-fought struggle in the darkness of unbelief, followed by a well-timed, but potentially late-in-life revelation to complete the process of redemption.

In conclusion, Vitoria’s *De eo ad quod tenetur homo* offers an elaborate defense of the position that unbelief, as it occurred in the New World, could not be automatically equated

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130 Ibid., 1369: “Omnis talis tenetur ad actum aliquem statim. Ista propositio non videtur ita certa, sed est probabilis.”

131 Ibid., 1370: “Talis tenetur se convertere in bonum eo modo quo potest tunc, id est conformiter ad cognitionem quam habet.”

132 Ibid., 1371-72: “Et si cognoscat Deum, tenetur formaliter converti in Deum, puta volo aut propono servare legem Dei, volere colere Deum. Si autem non cognoscat, satis est ut proponat bene vivere conformiter ad dictamen ut: ‘propono vivere secundum rationem, volo honeste agere, nolo male agere.’ Hoc expresse dicit Sanctus Thomas, *De veritate*, q. 14, a. 11, ad 1, ubi dicit de eo qui nutritus esset in sylvis, quod si faciat quod in se est, ad providentiam Dei spectat subvenire in necessariis. Et declarat quid sit facere quod est in se, dicens quod est sequi dictamen legis naturalis cum appetitu boni et fuga mali. Et quod hoc sufficit constat manifeste ex dictis.”

133 Ibid., 1372: “Neque obstat quod quidam dicunt, quod si hoc faciat iam dominus illuminabit eum de fide. Quicquid enim sit de hoc, *de quo statim dicam* [emphasis in edition], saltem prius est hoc ipsum facere quod in se est quam quod illuminetur, et sic illa illuminatio non spectabit ad primum tempus usus rationis.”

with immorality. Perhaps the main reason that Vitoria succeeded in making this argument was his adoption of certain voluntarist assumptions, regarding the contingency of both natural and divine law and God's concomitant ability to (temporarily) give dispensation from its precepts.

Vitoria, however, in no way attempted to excuse Indian society as a whole. He outright condemns the widespread practice of human sacrifice; and despite the guiltlessness of some, the absence of proper religion in the Americas implies, considering his trust in the benevolence and efficaciousness of divine providence, severe moral shortcomings in the great majority of its original inhabitants. Likewise, Vitoria's ambiguity regarding the question whether the Indians fulfill the criteria of natural slavery – perhaps caused by his inability to distinguish, except possibly on a case-by-case basis, between those Indians merely “using their reason” and those who are in proper control of said capacity – betrays a deep-seated negative appreciation of Indian culture and society.

Yet, none of this matters too much. Regardless of his attitude toward the majority of Indians, Vitoria insisted that at least a minority of these infidels could consist of capable moral agents, sufficiently virtuous to be spared the horrors of conquest, enslavement and war. Their obvious ignorance, despite traditional, intellectualist arguments to the contrary, offered insufficient proof of their immorality. Hence, Vitoria felt obligated, most conspicuously in his *De Indis*, to urge restraint upon his compatriots: the faults of the many were to be tolerated, in order to avoid the greater evil of unjustly harming the innocent.

#### Domingo de Soto

Having almost arrived at the end of the present chapter, we will now briefly turn to the thought of Domingo de Soto, perhaps Vitoria's most prominent student and his eventual

successor as Salamanca's foremost theologian. Although Soto's writings would ideally deserve a fuller treatment, his thought, in the context of this study, will be primarily used to demonstrate that Vitoria was not alone in questioning "orthodox" Thomist assumptions about invincible ignorance, while nonetheless remaining committed to defending the Angelic Doctor's intellectual legacy.

As already noted in the preceding chapter, Soto enjoyed a most illustrious career, of which his election to Salamanca's Prime Chair of theology was but the culmination. Besides representing the imperial position at the Council of Trent, he eventually rose to become Charles V's confessor, before being appointed as one of the *doctores* to adjudicate the outcome of the Valladolid debate between Las Casas and Sepúlveda. Here, however, we are most concerned with Soto's scholastic training and intellectual lineage.<sup>134</sup>

Born in 1494, Soto studied the arts at the University of Alcalá, where he earned his baccalaureate in 1516. He then moved north to Paris, where he completed his master's degree and, from 1517 onwards, embarked upon his theological studies. Like Vitoria's master, Peter Crockaert, Soto initially came under the influence of John Major, but subsequently "converted" from nominalism to Thomism. Vitoria, whom he heard lecture at the College of Saint Jacques, appears to have played a significant role in instigating this transition.<sup>135</sup> In 1519, Soto returned to Alcalá and eventually acquired a chair in philosophy at the College of San Ildefonso. In 1524, however, he resigned this post and eventually was admitted to the Dominican Order, on which occasion he exchanged his baptismal name

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134 For Soto's biography (including his years as a student) see Vicente Beltrán de Heredia, *Domingo de Soto. Estudio biográfico documentado* (Madrid 1961).

135 *Ibid.*, 20ff.

Francisco for the better fitting Domingo. Shortly after his profession, Soto was sent to Salamanca, where he would spend most of his remaining years, until his death in 1560.

Our first task in investigating Soto's thought is to clarify his ideas on the character of natural law. In order to do so, we will turn to his treatise *De iustitia et iure*, which saw its first printing in 1556.<sup>136</sup> Almost immediately after breaching the specific subject of natural law, Soto declares that this law is "engraved and impressed upon the human mind."<sup>137</sup> Although this "impression" is not truly, i.e., "according to its substance," a *habitus*, the natural law is nonetheless present in the human mind as if this were the case.<sup>138</sup> Soto's conclusion that the human mind has access to the natural law in the same manner it has access to a habitual virtue or vice, has important implications. First of all, the human mind, as Aristotle had argued, is initially a blank slate; habits, such as virtues and vices, are acquired only gradually over time through repetition and reinforcement. Hence, in the absence of proper education and practice (partial) ignorance of the natural law is altogether possible.

More fundamentally, Soto had defined law in general as a "universal proposition and dictate of practical reason [of the lawgiver];" or, in other words, as a "prudential precept."<sup>139</sup> Significantly, then, laws are the result of prudence, or "practical reason," rather than "scientific" reason. Because practical reason does not concern the universal, it may not lead

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136 Domingo de Soto, *De iustitia et iure libri decem = De la justicia y del derecho en diez libros*, eds. Venancio Diego Carro, and Marcelino González Ordóñez, 5 vols (Madrid 1967-1968): contains a facsimile edition of the original, which was first printed in Salamanca in 1556-57.

137 Ibid., I, q. 4, a. 1, 29: "Lex naturalis in mentibus nostris insculpta est et impressa."

138 Ibid.: "Lex naturalis neque potentia neque passio est, neque secundum substantiam est habitus. [...] Lex naturalis inest nobis per modum habitus."

139 Ibid., I, q. 1, a. 1, 9: "[...] lex est universalis propositio ac dictamen rationis practicae, quae per modum habitus inest." I, q. 3, a. 1, 21-2: "Lex enim (ut supra exponentes dicabamus) nihil aliud est quam regula et praeceptio prudentiae per quam qui curam gerit reipublicae illam gubernat et administrat."

to necessary conclusions. Hence, even if a prudential law were based on necessary principles, said law, in its practical, promulgated form, could never be necessary as such. Thus, unless a full and explicit promulgation has been made, those individuals subject to a law may never infallibly know it.

So far, Soto's arguments closely resemble those of Scotus, who had maintained that, except for the precepts of the first table of the Decalogue, the natural law is largely known through prudence, whence *viatores* lack absolute certitude regarding many of their moral obligations.<sup>140</sup> There are, however, differences, too. Although both Scotus and Soto agreed that of the natural law at least the Decalogue is always known to human wayfarers, the former argued that this might require exterior teachers or direct revelation. Soto, by contrast, held that the "light of nature" alone was sufficient.<sup>141</sup> Perhaps more crucially, he is unwilling to concede that the natural law is primarily a product of the divine will, rather than the divine intellect.<sup>142</sup> Yet despite this rather intellectualist assessment, Soto did not, as we shall see, agree with Aquinas' claim that any ignorance of the natural law could only be vincible.

Soto's position is further clarified when he addresses the question whether the law of nature imposes identical obligations on all human beings.<sup>143</sup> In response, Soto reaches two

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140 See above, chapter 2, p. 96ff.

141 Soto, *De iustitia et iure*, I, q. 1, a. 4, 16: [...] de lege naturali, respondemus, naturali luce et instinctu esse promulgatam: nempe inscriptam mortalium mentibus [...] Neque vero postea quousque caligine iam obducta hominum mens necesse habuit ut per legem scriptam explicaretur ei Decalogus. Quo sit ut de primis principiis naturalibus nulli mortales per ignorantiam praetexere sibi poterunt excusationem." Cf. above, chapter 2, nn. 107-8.

142 Ibid., I, q. 1, a. 1, 9-10: "[...] concessio regia esse movere, conceditur quoque voluntatem esse motricem tam intellectus quam reliquarum potentiarum. Haud tamen inde colligitur, aut ipsam esse reginam, aut intellectum servum. Voluntas etenim non movet tanquam dirigens et cognoscens, quod requisitum est ut esset regina. Hoc siquidem nomen ipsum, regina, auribus exhibet, sed movet impellendo, admovendoque potentias ad sua officia."

143 Ibid., I, q. 4, a. 4, 34: "Utrum lex naturae cunctis sit mortalibus una."

conclusions. First, the basic principles of the natural law, he argues, are the same everywhere, both in regards to their self-evident justice and the complete extent to which they are known.<sup>144</sup> Second, the conclusions following from these first principles are *not* universally identical: neither in regards to their inherent justice, nor with respect to the extent that they are known among various nations.<sup>145</sup> Soto explains the cause of this difference is as follows.

Speculative reason, in so far as it considers necessary principles, may reach, “without any defect,” truthful conclusions. Practical reason, however, since it deals with non-necessary, contingent specifics, e.g., the course of proper human action, must, from time to time, *necessarily* (as Soto explicitly argues) reach false conclusions. Hence, it is impossible that the secondary precepts of the natural law are equally known throughout the entire world. Moreover, as these precepts are known only imperfectly, it is inevitable that some nations’ interpretations of these secondary obligations are more in agreement with justice than those of other, less civilized peoples. As a result, natural law may dictate (somewhat) different practical obligations to different nations, whence it is not, as Soto had stated earlier, the same everywhere.<sup>146</sup>

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144 Ibid., “Ad huius quaestionis enodationem recolenda est superior distinctio inter naturalia principia, atque eorum conclusiones. Secundum enim hanc distinctionem duabus conclusionibus facile respondetur. Prior est: Lex naturalis quatenus ad sola principia extenditur, eadem est apud omnes mortales; non modo quantum ad rectitudinis veritatem, verum et quantum ad cognitionem.”

145 Ibid., 35: “Posterior conclusio: Lex naturalis quantum ad eius conclusiones, etsi plurimum sit eadem apud omnes, et quantum ad rectitudinem, et quantum ad cognitionem, deficit tamen et respectu prioris propter particularia quorundam impedimenta, et respectu posterioris, propter rationis nubila quibus ob consuetudinem pravam excaecatur.”

146 Ibid.: “Demonstratio huius conclusionis sumitur ex discrimine inter rationem practicam et speculativam: nam etsi principiis utraque per se notis utatur, non tamen simili ratiocinatione discurrunt. Etenim ratio speculativa, quia circa necessaria plurimum ac potissimum negotiatur, puta circa ea quae nequeunt aliter se habere, absque ullo defectu veritatem comperit in conclusionibus, quam in principiis intuebatur. In ratione autem practica, quia ex necessariis principiis discurrit ad contingentia in quibus actiones humanae consistunt, *neesse est* [my emphasis] quandoque defectus contingere, ac tanto plures quanto inferius ad particularia descenditur. Ex his ergo deducitur nostra conclusio: nempe quod licet in conclusionibus demonstrationum

Although at first sight, Soto appears to have merely repeated, at times almost verbatim, Aquinas' argument, as presented in the latter's *Summa theologiae*, that the secondary precepts of the natural law are neither always completely identical, nor everywhere known, there are some crucial differences. Whereas Aquinas had admitted the possibility that "in some few cases" certain societies required a less perfect obedience to the natural law, or that some of these secondary precepts could remain unknown, Soto held that such failures must occur necessarily. Additionally, while Aquinas argued that ignorance of these more detailed commandments was due to a "depraved reason, caused either by a certain passion, evil customs, or some evil disposition of nature," Soto ascribed this same ignorance to the unavoidable shortcomings of prudential reasoning.<sup>147</sup> Thus, in clear contradiction to Aquinas' position, Soto allowed for invincible, rather than vincible ignorance of the natural law.

The practical implications of Soto's conclusions are manifest. The American natives, because of the invincibility of their ignorance, must be excused for their violations of the secondary precepts of the natural law. It is not always clear, however, which commandments are sufficiently far removed from the first principles as to be classified as secondary precepts. Soto admits, for example, that he is unsure whether uncivilized and ignorant barbarians may

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speculabilium eadem sit rectitudo veritatis apud omnes, in conclusionibus vero operabilium contingit quandoque defectus."

147 Cf. the quote in n. 146 above with Aquinas, *Summa theologiae*, I-II, q. 94, a. 4: "Sic igitur dicendum est quod lex naturae, quantum ad prima principia communia, est eadem apud omnes et secundum rectitudinem, et secundum notitiam. Sed quantum ad quantum ad quaedam propria, quae sunt quasi conclusiones principiorum communium, est eadem apud omnes ut in pluribus et secundum rectitudinem et secundum notitiam, sed ut in paucioribus potest deficere et quantum ad rectitudinem, propter aliqua particularia impedimenta (sicut etiam naturae generabiles et corruptibiles deficiunt ut in paucioribus, propter impedimenta), et etiam quantum ad notitiam; et hoc propter hoc quod aliqui habent depravatam rationem ex passione, seu ex mala consuetudine, seu ex mala habitudine naturae; sicut apud Germanos olim latrocinium non reputabatur iniquum, cum tamen sit expresse contra legem naturae, ut refert Iulius Caesar, in libro *De bello Gallico*."

guiltlessly engage in simple fornication.<sup>148</sup> Thus, the Indians may easily turn out to be less guilty than initially would appear; and hence, the Spaniards must exercise restraint in dealing with the former's less obvious infractions against the natural order.

Perhaps more significant still, the assumption that the Indians' invincible ignorance of natural law was caused by shortcomings in prudential, rather than speculative reasoning, allowed these shortcomings to be remedied by education and tutelage. Prudence, after all, was considered a virtue and could thus potentially become a *habitus*. Speculative reason, by contrast, was deemed an inborn capability, which was not subject to improvement through continuous use and practice.

Soto furthermore conceded the possibility that the Indians' ignorance of the basic articles of the Christian faith was invincible as well. In his *De natura et gratia* (1547; reprinted with slight changes in 1549) he argued that, although it was at least as likely that God had not sent preachers to enlighten the American natives on account of their culpable violations of natural law, there was nonetheless a possibility that the Indians suffered from truly invincible ignorance of the Christian faith.<sup>149</sup> In his commentary on the fourth book of the

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148 Soto, *De iustitia et iure*, I, q. 4, a. 4, 35: "Si tamen rem arctius perstringas, videlicet: 'Nec simpliciter fornicaberis,' hoc licet illic pariter prohibeatur; tamen quia non habet connexam iniuriam, non est tam universaliter notum, quin inter gentes incultas, licet non pessime institutas, ignorari queat. Imo nescio an apud aliquos barbaros fidei nostrae inscios, ignorantia esse posset prorsus excusatoria."

149 Domingo de Soto, *De natura et gratia* (Paris 1549; reprint Ridgewood, NJ 1965), 148r: "Postremum utique reliquum est dubium de illo qui hoc iam tempore evangelico in ultimis insulis, ubi lex evangelica ignoratur, iure usus optime naturali converteretur in Deum, utrumne ille absque ullo voto baptismi salvus fieret." 148v-149r (cited in Karl Josef Becker, *Die Rechtfertigungslehre nach Domingo de Soto. Das Denken eines Konzilteilnehmers vor, in und nach Trient* (Rome, 1967), 296, n. 22): "Respondendum igitur est ab illo qui tenet ignorantiam esse invicibilem, quod verbum Petri in *Actis* vel intelligitur sic, quod sine aliqua de fide Christi confusa, quae semper ab orbe condito fuit necessaria, nemo potest salvari [...]. Aut certe amplectenda est altera pars, quae consonantior alicui videri potest Paulo ad *Roma*. 10. Nempe quod nulla sit modo ignorantia invicibilis huius expressae fidei. Nam si insulares nihil de illa audierunt, sua fuit culpa, non quidem proxime ad praedicationem relata: quia nullum viderunt praedicatorum quam renuerunt audire; sed culpa contra ius naturae: quam si legitime servassent, Deus illos irradiasset lumine fidei." cf. n. 26 above.



*Sentences*, which saw its first printing in 1557-60, Soto's reservations had, however, disappeared. He categorically admits that there are "many who can be excused [from having explicit faith] on account of their invincible ignorance."<sup>150</sup> Moreover, these *ignorantes*, Soto cautiously proposes, may receive grace and come to eternal glory by implicit faith alone.<sup>151</sup>

Even more obviously than Vitoria, Soto thus commits himself to an obligational theology. God, because he freely obliged himself to do so, will save all those individuals who do their utmost, even if they are unable to fulfill certain obligations he has imposed upon other, more capable *viatores*. Hence, on account of God's goodness, there exists a road to salvation for all human beings. Ignorance of the natural law or of the Christian faith, while complicating matters, do not present insurmountable obstacles. The corollary of this conclusion is clear. If such ignorance does not necessarily offend God, the Spaniards have no business remedying said ignorance through the indiscriminate, yet exceedingly harmful methods of conquest and war. Instead, a more modest and restrained regimen is called for. Official Spanish policy toward its New World possessions eventually conformed to these new insights: unrestricted conquest came to be replaced with "pacification," and enslavement of the native population with various systems of forced tutelage.

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150 Soto, *In quartum Sententiarum*, d5, q1, a2, 243 (cited in Becker, *Die Rechtfertigungslehre*, 297): "Quamvis praeceptum fidei explicite absolute obliget universum mundum, nihilominus possunt multi ignorantia invincibili ab eadem obligatione excusari. Sunt enim multi qui de fide nihil audierunt, et tamen sine praedicante (ut ait Paul.) nemo credere potest."

151 Ibid., 246 (cited in Becker, *Die Rechtfertigungslehre*, 297): "[...] concludimus, salva censura doctius iudicantium, quod qui ignorantia invincibili evangelii laborant sine fide explicita, per solam implicitam, quamadmodum gratiam, ita et gloriam obtinere possunt." Cf. Capéran, *Le problème*, 256. Capéran, however, only relied on Soto's earlier *De natura et gratia*.

### Conclusion

The twin examples of Vitoria and Soto indicate that, during the sixteenth century, theological schools of thought, such as Thomism, Scotism and nominalism, hardly represented discrete, mutually exclusive positions. As argued before, these seemingly incongruous theologies occupied ill-defined spaces on the same, continuous spectrum. Both Vitoria and Soto, no doubt stimulated by the discoveries in the larger, extra-scholastic world, succeeded in combining their Thomism with nominalist elements. Considering the affinities of their immediate and not-so-immediate teachers, as well as the various influences during their intellectual “upbringings,” perhaps nothing less was to be expected.

Most importantly, this intellectual flexibility was employed in arguing for a less violent approach in dealing with Spain’s New World subjects. Later still, it would form part of the foundations on which natural and, ultimately, human rights theories were to be built. Considering these results, we would do well to praise, rather than to condemn Vitoria’s and Soto’s intellectual opportunism.

CHAPTER 7  
 LESSONS FROM THE LECTURE HALL II: ANTONIO DE  
 CÓRDOBA'S *LIBER DE IGNORANTIA*

Antonio de Córdoba was born in 1485 and died in 1578, at the ripe old age of ninety-three. Of his life, we know rather little, of his thought even less.<sup>1</sup> We do know, however, that in 1510 he became an Observant Franciscan in his order's province of Castile, that he studied both the arts and theology at the University of Alcalá, that he wrote a large number of theological treatises, of which his *Quaestionarium theologicum* appears to have been the most popular, and that – at least according to some – he possessed the reputation of a theological oracle, comparable even to the Delphic *pythia*.<sup>2</sup>

Córdoba's *Quaestionarium theologicum*, which saw printings in Venice (1569 and 1604), Toledo (1578) and Ingolstadt (1593), contains five books, dealing with a range of subjects, varying from the sacrament of confession to the extent of papal power. Most importantly,

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1 Apart from a handful of listings in encyclopedias and dictionaries, the one modern study dealing with his life and works is Alonso Lamela's article "Aportación bio-bibliográfica en torno a Fray Antonio de Córdoba, O.F.M. (1485-1578)," *Liceo franciscano* 6 (1953), 179-208. More recently, a brief contribution appeared, which outlines the wider theological issues that informed some of Córdoba's writings, see: Agustín Boadas Llavat, and José Martí Mayor, "Un humanista Franciscano: Fray Antonio de Córdoba (1485-1578) y su entorno intelectual," in *El franciscanismo en Andalucía: conferencias del 5 y 6 Curso de Verano San Francisco en la cultura y en la historia del arte español. Priego de Córdoba, agosto de 1999 y agosto de 2000* (Córdoba 2001), 359-369. Two separate articles have been devoted to Córdoba's attitude toward bullfighting: Lamela, "Fr. Antonio de Córdoba y las corridas de toros en España," *Liceo franciscano* 6 (1953), 244-266 and Manuel Torres Aguilar, "Doctrina sobre las Corridas de toros en la obra de Fray Antonio de Córdoba," in *El franciscanismo en Andalucía*, 459-63. I am aware of only two other studies concerning Córdoba's thought: Salvator Piatti, Salvator. *Doctrina Antonii Cordubensis de conscientia cum speciali relatione ad probabilismum* (Trento 1952) and Hugo Rocco, "L'avvertenza richiesta per il peccato mortale secondo Antonio de Córdoba, OFM," *Antonianum* 31 (1956), 419-25.

2 This comparison has been recorded by Nicolás Antonio (1617-1684) in his *Bibliotheca Hispana nova; sive, Hispanorum scriptorum qui ab anno MD ad MDCLXXXIV, florere notitia*, 2 vols (Madrid 1783-1788), vol. 1, p. 111: "[...] tanquam Pythium quoddam theologiae oraculum, ad quem omnes auxilii et consilii gratia ventitabant, ut veluti inter Pytagoreos sic actaretur [...]" (The aforementioned work was originally published in 1672 as *Bibliotheca Hispana*).

the second book of the *Quaestionarium* is dedicated in its entirety to the topic of ignorance. Córdoba's finding that partial invincible ignorance of the natural law is possible (of which more will be said later) was approvingly cited by Suárez.<sup>3</sup>

Córdoba opens this second book of his *Quaestionarium theologicum* with an attempt to define the concept of ignorance. Ignorance, he argues, is, properly speaking, neither error, nor nescience, but rather the absence of knowledge of things one ought to know.<sup>4</sup> Ignorance is further subdivided into speculative ignorance and practical, i.e., prudential, ignorance. While speculative ignorance does not concern individual things or moral precepts (except those contained in the articles of faith), practical ignorance, by contrast, does concern morality and, as such, would prevent a *viator* from choosing a proper course of action.<sup>5</sup>

This practical, or prudential, ignorance may consist of ignorance of the law, or ignorance of fact. One could, for example, Córdoba maintains, mistakenly sleep with one's sister, thinking her to be someone else, without being ignorant of the precept prohibiting incest, or even the intention to violate this commandment.<sup>6</sup> What is most significant about

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3 Francisco Suárez, *Commentaria ac disputationes in primam secundae D. Thomae* ed., Charles Berton, *Opera omnia*, vol. 5 (Paris 1856), Lib. II, viii, 7, 118.

4 Córdoba, *Quaestionarium theologicum*, II, q. 1, pp. 1-2: "Prima ergo divisio est, quod ignorantia est triplex. Uno modo contrarie seu positive contra scientiam vel cognitionem: et est idem quod error [...] Secundo modo capitur ignorantia, contradictorie vel negative: ut est carentia vel naturalis defectus cognitionis, in subiecto tamen apto nato ad eam; non enim dicimus lapidem ignorantem, vel nescientem, vel hominem [...] Tertio modo et proprie capitur ignorantia privative, ut videlicet est privatio cognitionis debitae aliquo modo, scilicet de necessitate legis, aut de decencia personae."

5 Ibid., 2: "Secunda divisio est, quod quaelibet ignorantia praedicta est duplex. Altera speculativa, quae scilicet de aliquo pure speculativo est puta si triangulus habet tres angulos, et huiusmodi; et de hac nihil ad rem, nec ad mores facit, nisi sit in materia fidei, quae reducitur ad practicam. Altera est ignorantia practica prudentialis, nam de artificiali practica etiam hic non est sermo, sed de prudentiali, quae facit ad mores. Nota ergo quod sicut notitia prudentialis est iudicium dictans aliquid agendum, vel non agendum [...]."

6 Ibid., "Tertia divisio, si ignorantia practica prudentialis, de qua hic agitur consideretur in ordine ad obiectum, scilicet ad id quod ignoratur, est duplex, scilicet iuris et facti. [...] Ignorantia autem facti quaedam est facti in se, quaedam est alicuius circumstantiae facti, quaedam alicuius sequelae ad factum. [...] Exemplum [...], quando ignoro esse sororem quam cognosco, aestimans esse aliam [...]."

this distinction between (prudential) ignorance of law and fact, however, is Córdoba's implicit conclusion that prudence is required not only for devising a proper course of action in a particular situation, but also for knowing the law, or any moral precept, in general. Since prudential reason, contrary to speculative reason, does not infallibly lead to true conclusions, ignorance of the law is sometimes unavoidable.

Hence, practical, or prudential, ignorance, Córdoba further explains, may be either vincible or invincible.<sup>7</sup> Perhaps surprisingly, Córdoba does *not* define invincible ignorance as the kind of ignorance that individuals cannot overcome by doing their utmost. Rather, ignorance is already deemed invincible when those who suffer from it cannot conquer it by applying the amount of diligence they are normally obligated to utilize. For instance, a “simple parishioner” is properly said to be invincibly ignorant of a liturgical feast day if his priest has failed to announce it, despite the former's unhindered ability to inquire with some other priest, or even the bishop.<sup>8</sup>

In other words, probable ignorance – which Córdoba defines as “ignorance of those things which all, or the majority of individuals of one's quality and condition commonly do not know” – already counts as invincible ignorance. For human beings should not, he claims, be “excessively curious or diligent in investigating the truth.” Instead, a “middling diligence,”

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7 Ibid., 3: “Quarta divisio. Si ignorantia omnis supradicta de aliquo pratico prudentiali consideretur in ordine ad suam causam seu voluntatem, sic dividitur bifariam, quia videlicet est vincibilis aut invincibilis.”

8 Ibid., 4: “Invincibilis autem ignorantia dicitur non quidem quod talis ignorans non possit eam simpliciter vincere, et oppositam scientiam habere, faciendo quod in se est: nam simplex parochianus dicitur habere ignorantiam invincibilem de ieiunio, seu de festo aliquo, quando suus sacerdos non pronunciavit die solito, quamvis talis ignorantia simpliciter vinci et tolli potest [...] Igitur ignorantia invincibilis dicitur illa, quam non potest homo vincere, apponendo omnem diligentiam, quam tenetur apponere ad sciendum tale quid ignoratum, sed adhuc manet postquam fecit homo omnia, ad quae tenetur pro eius expulsionem.”

again in accordance with one's quality and condition, is what is called for.<sup>9</sup> While the Iberian rustics are thus taught not to question their betters, the majority of Indians are simultaneously, albeit implicitly, excused from a sizeable amount of guilt. Like humble peasants should, they had applied, at most, a "middling diligence" in questioning their native rulers; and hence, the insufficiency of their (justifiably restrained) efforts to discover the Christian truths should surprise no one.

Additionally, Córdoba argues that invincible ignorance sometimes cannot be avoided and, more threateningly still, not even be dissolved. If, for instance, the devil should appear in the likeness of a crucified man, claiming to be Christ, the *viator*, at least initially, would be unable to determine the true identity of this apparition. Possibly, the devil would eventually betray himself by ordering the wayfarer to commit sinful acts, such as leaving one's monastery, or to sacrifice one's son after the example of Abraham and Isaac.<sup>10</sup> Due to an omission both intriguing and unfortunate, Córdoba fails to explain how Abraham, contrary to the American Indians, could have been convinced, prior to his attempted sacrifice, that he was obeying God's rather than Satan's command by offering up his only son.

The situation would, however, be even more complex if the devil should appear as Christ and merely order the *viator* to worship him as if he were indeed the Son of God the

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9 Ibid.: "Et nota quod aliqui doctores [...] distinguunt ignorantiam in probabilem et improbabilem. Probabilis ignorantia dicitur, quando aliquid probabiliter ignoratur, qualis est ignorantia de eo, quod omnes vel maior pars hominum suae qualitatis status, aut conditionis communiter ignorant [...] Nam ut sit et dicatur ignorantia probabilis non requiritur quod homo sit nimium curiosus, aut diligens in investigando veritatem, sed requiritur et sufficit mediocris diligentia, qualis communiter solet apponi in inquirendo super tali negocio ab homibus suae conditionis [...]."

10 Ibid.: "Et haec ignorantia invincibilis adhuc subdividitur: nam quaedam est invincibilis omnino, scilicet quoad dissolutionem et evasionem simul; et est quando quis ullo modo non potest scire veritatem, faciendo quod tenetur ad sciendum, et stante tali ignorantia non potest evadere quin secundum eam operetur, vel omittat aliquid, de quo est ipsa ignorantia: ut si Diabolus apparens in specie crucifixi dicens de esse Christum praecipiat alicui quod immolet ei filium, ut revelatum est Abrahae, aut quod religiosus exeat religionem et ducat uxorem, et huiusmodi."

Father. In such a case, it would be entirely impossible to determine the true identity of the apparition. Yet, the wayfarer could still evade his ignorance by worshipping the phantasm conditionally, i.e., to intend that his worship only “counted” if the apparition were indeed Christ. Similarly, foundlings for whom it was uncertain whether they had been baptized before, were to be baptized conditionally, meaning that the ritual would only be valid if it had not been performed before.<sup>11</sup>

These last examples illustrate, significantly, that a good intention may compensate for a lack of knowledge. The *viator* who mistakenly worships the devil in the guise of Christ, because of his sincere intention to actually worship the latter, commits no offense. His worship, after all, is conditional, whence the devil does not truly receive it. In other words, the intention to worship Christ, together with the invincible ignorance that he did not do so, excuse him from guilt. Although Córdoba does not explicitly claim that such worship is meritorious, there are indications that he considers it so. As we shall see, Córdoba has a strong trust in the persistent efficacy of implicit faith, which, by definition, is conditional upon a well-intentioned willingness to believe explicitly once the circumstances prohibiting explicit faith are removed. Thus, faith in a false and incomplete image of God, Córdoba claims, may be meritorious as long as the *viator* is willing to exchange this faith for a more accurate or complete image, the moment he learns more of the truth. In other words, invincible ignorance does not constitute an insurmountable obstacle to virtue.

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11 Ibid.: “Quaedam est invincibilis quoad dissolutionem tantum, et non quoad evasionem; et est illa quam homo non potest vincere, neque scire veritatem, faciendo omne quod tenetur ad sciendum ut supra diffinitum est; bene tamen patet evasio, quia, scilicet non astringitur ullo modo agere vel omittere secundum talem ignorantiam: puta si Diabolus in specie crucifixi praecipiat quod adoretur; tunc licet non possit cognosci veritas illius, an sit Christus, an non. Tamen bene patet evasio adorando sub conditioe specialiter expressa in illo speciali casu extraordinario. Similiter si puer expositus sit, et illi qui exposuerunt sunt mortui vel omnino ignorantur; iam non possumus scire an sit baptizatus ille puer. Bene tamen patet evasio, quia potest baptizari conditionaliter.”

Having thus outlined Córdoba's conception of invincible ignorance, we now turn to his discussion dealing with the various subjects about which human wayfarers, to a greater or lesser extent, may remain invincibly ignorant. The first such subject, Córdoba maintains, is natural law: "Of all things which belong to the law of nature and are not self-evident, invincible and entirely excusable ignorance may be had, even – albeit rarely and for a limited time – of the Decalogue."<sup>12</sup> Córdoba further qualifies this statement by adding that invincible ignorance of the "universal precepts belonging to the natural law in an absolute sense" cannot last forever. After some time, the *viator* is always obligated to observe these most general commandments.<sup>13</sup> Significantly, we may deduce from these statements that even the "universal precepts" of the natural law, including the Decalogue, are not *per se nota*.<sup>14</sup> More crucially still, God's existence and identity, similarly not *per se nota*, are also potentially subject to invincible ignorance.<sup>15</sup>

The reason that human wayfarers may suffer from invincible ignorance of such critically important matters, is the very fact that these are not immediately self-evident. It requires a certain amount of time, Córdoba explains, to learn "by discovery and education" the conclusions that follow from "the most universal first principles," which themselves are immediately and infallibly known through the light of nature. Hence, for some intermediate

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12 Ibid., q. 4, p. 22: "Prima propositio: in omnibus, quae sunt iuris naturalis quae sunt per se nota, datur ignorantia invincibilis et omnino inculpabilis, etiam in decalogo, raro quidem et ad tempus quando absolute, saepius autem et semper quando cum quibusdam circumstantiis talia praecepta sumuntur."

13 Ibid.: "Non tamen datur praedicta ignorantia invincibilis diu perseverans circa talia universalis praecepta iuris naturalis absolute sumpta; eo praesertim tempore quo necessario observanda occurrunt."

14 Ibid.: "[...] licet haec universalis praecepta iuris naturalis et decalogi non sint per se nota [...]."

15 Ibid.: "Fit ex dictis posse ad tempus, non autem toto tempore vitae apud aliquos dari invincibilem ignorantiam veri Dei; quia non est ita per se notum nobis Deum unicum esse unicum esse, quin opus sit tempore et inquisitione et ratiocinatione ad id sciendum."



time, “either long or short,” following the moment that *viatores* begin using their reason, they may remain invincibly and excusably ignorant of God’s existence and the Decalogue, as well as other, less important aspects of the natural law.<sup>16</sup>

Similarly, wayfarers often suffer from invincible ignorance of divine law, sometimes – since the “light of nature” is unable to assist here – for the entire duration of their lifetimes. Because he will address the issue more fully in a subsequent section, Córdoba, at this point in his argument, excludes the commandment to have explicit faith in Christ from this conclusion.<sup>17</sup> All the other obligations God normally imposes upon the faithful, however, depending on the circumstances, may licitly remain unknown.

The issue of invincible ignorance of the obligation to have explicit faith in Christ as the incarnate redeemer of humankind presented Córdoba with a controversial, if not outright thorny topic.<sup>18</sup> Concerning this problem, there exist, Córdoba states, two opinions. According to the first, which is “more common,” no invincible ignorance of Christ’s existence and central role in the redemption of humankind is possible. Following the first Pentecost and its immediate aftermath, every individual is held to explicitly believe in these

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16 Ibid.: “[...] patet, quia cum non sint per se nota ut supponitur ergo homo indiget aliquo tempore ut per discursum et doctrinationem cognoscat sufficienter ea deduci ex primis principiis universalissimis per se notis in lumine naturali. Neque enim talis discursus et doctrinatio haberi potest in momento quo proponuntur homini saltim incipienti uti ratione; ergo pro illo tempore intermedio, magno vel parvo, potest homo omnino invincibiliter illa ignorare vel saltem dubitare, quousque, faciens quod in se est, sit sufficienter intructus secundum suam cuiusque aetatem, habilitatem vel facultatem ingenii doctorum et aliorum huiusmodi ad id requisitorum.”

17 Ibid., 23: “Secunda propositio: In omnibus quae sunt de mero iure divino potest et saepe datur ignorantia invincibilis, etiam toto tempore vitae perdurans, excepta fide Christi explicita, de qua inferius propositione 3 latius.”

18 Ibid., 24: “Tertia propositio de explicita fide Christi problema est, utrum post iam promulgatum Evangelium per Apostolos et successores eorum in praecipuis partibus orbis possit nunc ignorantia invincibilis apud aliquem reperi pro toto tempore vitae eius perseverans.” Also, cf. chapter 6, pp. 241-47 and especially nn. 14, 22.

Christian truths.<sup>19</sup> Córdoba lists no fewer than seven reasons to back up this opinion. Of these, the two most important are (1) that no invincible ignorance could be had of “those things necessary for salvation,” among which having explicit faith in Christ is one; and (2) if a *viator* would “do what is within him,” God would infallibly illuminate said individual, so that invincible ignorance of Christ could not remain for the full duration of one’s life. Thus, while ignorance of Christ would not be impossible, it could only occur in those who had failed to do their best. Hence, their ignorance should be classified as vincible, rather than invincible.<sup>20</sup>

Córdoba, however, follows his seven arguments in support of the “more common opinion” with an additional question. Is it actually true that God would infallibly illuminate those who do what is within them, so that they may have explicit faith in Christ? In response, Córdoba concludes that, although probable, this is not a certainty. Yet, God will always provide some sort of enlightenment to those *viatores*, “who have the use of reason,” concerning any natural knowledge they may be lacking in order to be saved. Córdoba further argues that God does not always supernaturally assist those who have been unable to actualize their capacity to reason, as evidenced, for example, by those infants who die in their mothers’ wombs, without the benefit of baptism or any opportunity to find salvation.<sup>21</sup>

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19 Ibid.: “Nam in hoc est duplex opinio inter catholicos. Prima opinio satis communius tenet quod non.”

20 Ibid.: “[...] probatur septem rationibus. Primo, quia eorum quae sunt simpliciter necessaria ad salutem non datur ignorantia invincibilis; sed fides Christi explicita in lege gratiae est huiusmodi, ergo; [...] Secundo probatur idem, quia aut homo facit quod in se est, quodve tenetur ad notitiam fidei Christi explicitam obtinendum, aut si non, ergo illius ignorantia non invincibilis sed vincibilis est. Si sic, iam Deus opportune aderit illuminando ne sine tali fide simpliciter necessaria ad salutem homo decedat: et ita non datur invincibilis ignorantia per totam vitam perseverans. Probatur haec consequentia, quia utenti ratione, facienti quod in se est, Deus utique non deest, opportune per se, aut per hominem, aut per Angelum visibiliter, aut invisibiliter, aliquo etiam modo extraordinario de simpliciter necessariis ad salutem providendo, aut illuminando.”

21 Ibid., 26: “Sed dubitatur utrum talis Dei providentia sive promissio quod facientem quod in se est illuminabit opportune de explicita fide Christi, ante mortem sit certa de lege, ita quod repugnabit legi positae, si

Hence, if indeed, God not always enlightens those *faciens quod in se est* with explicit knowledge regarding Christ – whose existence and activities, as confirmed by Biblical testimony, required apostolic preaching in order to be known – then ignorance of these matters is sometimes unavoidable. This conclusion, however, is less problematic than initially appears. In short, Córdoba argues that, as long as the *viator* believes in the “one true God,” implicit faith in Christ could, depending on the circumstances, be as efficacious as explicit faith.<sup>22</sup>

Thus, it becomes clear that Córdoba, in fact, rejects the more common opinion. Invincible ignorance of Christ’s existence, nature and activities, he maintains, is altogether possible, whence he proceeds to refute the seven arguments he had earlier put forth against this position. In response to the first argument that no invincible ignorance could be had of “those things necessary for salvation,” Córdoba simply claims that explicit faith in Christ is not absolutely necessary. Instead, he argues, the commandment to believe in Christ is an added, rather than essential precept, which only holds for those who do not suffer from invincible ignorance.<sup>23</sup>

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Deus aliter faciat, illum nunquam illuminando, aut sit de fide, vel contra fidem, id vel oppositum tenere. Respondeo per tria dicta, quorum primum est, quod id non est certum; est tamen satis probabile sicut et ipsa opinio quae eo fundamento probabiliter innititur. [...] Secundo dico quod cuilibet viatori usum rationis habenti, Deus semper dat illustrationem super naturalem necessariam [...] Tertio tandem dico quod non omnibus carentibus usu rationis Deus adest conferendo necessaria ad salutem, ut patet de existentibus in uteris maternis sine baptismo decedentibus [...].”

22 Cf. *ibid.*, q. 5, p. 34: “[...] tam ad vitam gratiae quam gloriae necessaria simpliciter est et fuit semper post peccatum non solum cognitio supernaturalis vel fides explicita unius veri Dei, sed etiam *fides saltem implicita Christi* [my emphasis] vel mediatoris sub ratione mediatoris, et non sufficit cognitio naturalis; et oppositum tenere temerarium et haereticum vel haeresim sapiens est.”

23 *Ibid.*, 27: “Et ad supradicta septem rationes primae opinionis, repondet haec secunda opinio. Ad primam negando maiorem: quod scilicet eorum quae sunt simpliciter necessaria ad salutem non datur ignorantia invincibilis; et ad eius probationem negatur quod illa dicuntur et sunt simpliciter necessaria ad salutem, sine quibus non stat salus absolute; sed debet addi, nisi per invincibilem ignorantiam homo excusetur [...].”

Córdoba subsequently draws a parallel with the sacrament of baptism. Although all human beings require this sacrament in order to find salvation, sometimes it is sufficient, according to “all doctors,” to be baptized “by desire” (i.e. *in voto*), rather than in fact, regardless of whether the *viator* holds this desire explicitly or implicitly. Hence, a certain urge to be forgiven one’s sins would be enough to achieve the desired effect. Nothing else, except the reception of grace and the remission of sin, Córdoba remarks, appears to be required in order to be saved.<sup>24</sup> Although it is not explicitly mentioned here, the aspiration to be pardoned would require – because of the enormity of original sin – a certain, possibly vague belief in, or supernatural cognition of an appropriate mediator between the majestic and supremely just God and lowly humankind.<sup>25</sup> Hence, the very possibility of baptism by implicit desire is predicated upon the presence of an implicit faith in Christ; and since baptism by implicit desire is all that is required for salvation, implicit faith in Christ is sufficient, too.

Concerning the argument that God would infallibly enlighten those wayfarers who do “what is within them” with explicit knowledge about Christ, Córdoba responds that because those who are invincibly ignorant may be saved by implicit faith alone, God has no need to provide them with explicit faith as well. After all, the grace that may be acquired

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24 Ibid.: “[...] ideo dicitur [...] ut baptismus et fides Christi explicita, quae nunc omnibus etiam existentibus in gratia sunt in praecepto et necessaria ad gratiam acquirendam vel conservandam; [...] quamvis secundum omnes doctores baptismus in re vel in voto sit simpliciter necessarius ad vitam gratiae et gloriae; at vero iidem, cum B. Th. In 3 par., q. 69, a. 4, dicunt quod sufficit votum implicitum ad remissionem peccatorum, et idem dicerent ad gloriam, quia nullibi insinuant aliud ad illam obtinendam requiri quam gratiam vel remissionem peccatorum [...]” Cf. Aquinas, *Summa theologiae* III, q. 69, a. 4, ad 2: “Ad secundum dicendum quod, sicut dictum est, remissionem peccatorum aliquis consequitur ante Baptismum secundum quod habet Baptismum in voto, vel explicite vel implicite et tamen, cum realiter suscipit Baptismum, fit plenior remissio, quantum ad liberationem a tota poena. Ita etiam ante Baptismum Cornelius et alii similes consequuntur gratiam et virtutes per fidem Christi et desiderium Baptismi, implicite vel explicito, postmodum tamen in Baptismo maiorem copiam gratiae et virtutum consequuntur.”

25 Cf. n. 22 above.

through baptism by implicit desire – and, by extension, implicit faith in Christ – ought to be sufficient.<sup>26</sup> This conclusion further clarifies Córdoba’s argument, as discussed in the previous chapter, that only those infidels who already have implicit faith may be excused from their ignorance regarding the specifics of Christ’s nature and life. Their implicit faith, after all, could be the result of some divine illumination, which sufficiently proves that God considered these unbelievers to have done their best.<sup>27</sup>

So far, Córdoba’s discussion has revealed that he believed that *viatores* could suffer from invincible and excusable ignorance of natural law, divine law, and even, specifically speaking, the existence and actions of Christ. Considering this extensive realm of potential incertitude, to what obligations are human wayfarers still held? How should they deal with, or try to overcome their ignorance? In other words, what does it mean “to do what is within oneself” if only very little is known about God, the universe, and the established moral order? More precisely, at what point are one’s actions in search of the truth deemed sufficient for one’s remaining ignorance to be classified as invincible, rather than vincible?<sup>28</sup> We will turn to Córdoba’s response to these questions next.

First of all, “to do what is within oneself,” Córdoba finds, is to do everything which human beings are obligated to do, in accordance with their “purpose” in life. Hence, one

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26 Córdoba, *Quaestionarium theologicum*, II, q. 4, p. 27: “Ad secundam rationem respondeo quod homo facit quod in se est ad sciendum, et negatur quod ergo Deus de lege illuminabit de fide Christi explicita semper et universaliter omnes, licet communiter id faciat, quia haec fides Christi non est sic necessaria quod sine ea cum sola implicita non possit invincibiliter ignorans salvari, sicut est gratiam habere, ut dictum est [...]”

27 See above, chapter 6, p. 247, n. 22.

28 Córdoba, *Quaestionarium theologicum*, II, q. 2, p. 6: “Quaestio II: Quid sit facere quod in se est ad sciendum, quidve requiratur ad vincendum ignorantiam de aliquo, ut iam quis dicatur id invincibiliter ignorare?”

must “know what one ought to know,” depending on one’s profession and social station.<sup>29</sup> Second, since the proper “end” of human beings is to be saved and perfected, *viatores* are held to “have sufficient knowledge of those things, which are necessary *simpliciter* for salvation, as dictated by divine and natural law.” Accordingly, wayfarers are obligated, “in all cases in which special divine instruction and illumination are required,” to work toward receiving and understanding God’s supernatural directions by using their reason and, more generally, inquiring “diligently” for the truth. If “human industry” should prove to be insufficient, they must pray and entreat that God will properly dispose them to be granted, through supernatural means, a “sufficient notion of the truth.”<sup>30</sup>

Córdoba thus concludes that human obligations depend on individual circumstances, such as class, education and intelligence. In other words, what counts as vincible ignorance for the Spaniard could constitute invincible and excusable ignorance for the Indian. Accordingly, the latter’s obligations are fewer, just as, more generally speaking, the illiterate and unlearned are held to lower standards regarding their knowledge of more complex truths.<sup>31</sup> Córdoba, reputed to have been a standard-bearer for the doctrine of probabilism,<sup>32</sup>

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29 Ibid.: Respondeo [...] Facere quod in se est ad sciendum est facere id omne, ad quod homo tenetur ad hunc finem, scilicet ad sciendum quod in tali negocio scire oportet, ut patet ex quaestione prima praecedente [...].

30 Ibid.: “Secunda propositio: Ad habendam sufficientem notitiam eorum, quae iure divino vel naturali sunt necessaria simpliciter ad salutem, et in omnibus casibus, in quibus specialis Dei directio et illuminatio necessaria est, tenetur homo utens ratione inquirere veritatem diligenter [...] Et insuper si ad praedictam notitiam sufficientem habendam non sufficit industria humana, requiritur quod homo debite dispositus ad id impetrandum oret et petat a Deo sufficientem notitiam veritatis.”

31 Cf. n. 9 above.

32 The *Catholic Encyclopedia* defines probabilism as follows: “[it] is the moral system which holds that, when there is question solely of the lawfulness or unlawfulness of an action, it is permissible to follow a solidly probable opinion in favour of liberty even though the opposing view is more probable.” During the late sixteenth and early seventeenth centuries (until the rise and subsequent condemnation of Jansenism), probabilism was a doctrine supported by the great majority of Catholic theologians, including Medina (d. 1581), Toletus (d. 1596), Bañez (d. 1604), Vasquez (d. 1604) and Suárez (d. 1617). See: John Harty, “Probabilism,” in

even held that those lacking education may licitly err by violating a *known* precept prohibiting a certain course of action, as long as these individuals are convinced – on account of their ignorance, rather than some immoral desire – that their judgment is equally or more probable than the legislator’s.<sup>33</sup> In short, Córdoba teaches that the obligations of *viatores* depend on the extent of their knowledge and, to some degree, on their individual, but altogether fallible consciences. Consequently, and significantly, “sinfulness” can no longer be measured according to an objective standard, whence it becomes all but impossible to judge, let alone punish the American natives.

This conclusion is further supported by Córdoba’s contention that “human industry” alone is incapable of acquiring sufficient knowledge of either the natural, or the divine law.<sup>34</sup> Thus, the obligation God has imposed upon humankind is not, strictly speaking, to know, but rather to do one’s best in order to know. As pointed out above, Córdoba argued that human wayfarers are not so much required to have “a sufficient notion of the truth,” as to pray that God will grant them such a notion. These efforts, after all, would generally be followed by some sort of supernatural instruction or illumination.

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*The Catholic Encyclopedia*, vol. 12 (New York 1911); (28 Apr. 2010), URL = <<http://www.newadvent.org/cathen/12441a.htm>>. For Córdoba’s connection to probabilism see Piatti, *Doctrina Antonii Cordubensis*.

33 Córdoba, *Quaestionarium theologicum*, II, q. 3, p. 13: “[...] si homo non est literatus, aut doctus, aut si nescit ibi esse varietatem opinionum neque dubium inter doctores, aut si audit vel scit ibi varias esse opiniones, tamen probabiliorem, aut tutam non ex affectione, sed ex ignorantia, vel ex alia causa credit eam, quam ipse sequitur aequae aut magis quam oppositam; et ita cum bona fide, bonaque conscientia putans sibi licere agit vel omittit paratus oppositum agere, si sufficienter sciret illud illicitum esse; hic certe inculpabiliter agit, et illam sequitur, et per ignorantiam invincibilem excusatur.”

34 Ibid., q. 2, p. 7: “Responsum est triplex opinio. Prima quod sic: Et non solum in hoc, sed et universaliter in omni casu, quo humana industria non sufficit ad habendam notitiam sufficientem de iure naturali vel divino, quod omnes scire sub mortali tenentur, ut sunt articuli fidei, qui communiter praedicantur in Ecclesia, et praecepta universalis legis naturalis [...]”

Yet even if an individual should not receive illumination, on account of not doing his best, Córdoba contends that not everything is lost. Such *viatores* are admonished to use their “diligence and industry” in order to acquire “a disposition for the truth” and to “cleanse their consciences through contrition,” as well as to “humbly petition” that God should enlighten them.<sup>35</sup> Interestingly enough, Córdoba evokes the existence of an additional category of sinners, consisting of those who are *trying*, albeit unsuccessfully, to do their best. Since all *viatores* are at least somewhat sinful by definition, it would seem excessive – as long as their external behavior causes no greater amount of objective harm – to punish well-intentioned individuals, vainly seeking spiritual improvement, with the horrors of war. Here once again, Córdoba is seen to implicitly raise objections against continuing the original Spanish policy of unrestrained conquest in the New World.

Having thus outlined what it means to “do what is within oneself,” in order to learn of the laws, both natural and divine, that human wayfarers must obey, Córdoba subsequently specifies how, precisely, moral precepts are to be discovered. Already, he has declared that proper morality is known through practical reason, i.e., prudence.<sup>36</sup> In order to further clarify how this virtue is to be employed, Córdoba proceeds to define the very concepts of “prudence” and “prudential precept.”

Regarding the definition of prudence, Córdoba distinguishes two opinions. According to the first, prudence is what “right reason” dictates to be done, while the second

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35 Ibid., 8: “Qui probabiliter timet quod propter sua peccata Deus permittit ipsum excaecari, vel depravari, is ad debitam veritatis illustrationem obtinendam, vel ut eius ignorantia sit invincibilis, tenetur, praemissa debita diligentia et industria humana, per se et per alios bonam habere veritatis affectionem, simul et emundationem conscientiae per contritionem saltem generalem vel etiam particularem de illis, propter quae timet se Deo permittente excaecari, et ita petere humiliter a Deo debitam veritatis illustrationem.”

36 See n. 5, above.



school of thought additionally requires that this dictate is in conformity with a right appetite.<sup>37</sup> Córdoba himself sides with the second, less popular opinion: “properly and strictly speaking,” he maintained, a prudential decision regarding a particular course of action is both dictated by right reason and made in agreement with a properly ordered appetite.<sup>38</sup> Aristotle, after all, had claimed, Córdoba reminds his audience, that moral virtue is a *habitus* concerned with choice; and since choice is deliberate desire, both the underlying reasoning must be true and the motivating desire right.<sup>39</sup> Córdoba furthermore points out – surprisingly siding with Aquinas and Cajetan against Scotus – that the right appetite in a prudential decision is causal, rather than concomitant.<sup>40</sup> In other words, prudence does not originate solely from the intellect. Indeed, prudential courses of action cannot be discovered without active cooperation of the will.

This conclusion, Córdoba maintains, holds true for any moral virtue. For the freedom required to make a moral, or more specifically, a prudential choice, he argues, depends foremost on the will and only secondarily on the intellect. “Even the Thomists

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37 Córdoba, *Quaestionarium theologicum*, II, q. 9, p. 55: “Quaestio IX: Quid et quotuplex est prudentia seu dictamen prudentiale. Respondeo quod prudentia capitur dupliciter, primo modo pro recta ratione agibilium. [...] Secundo modo prudentia capitur pro recta ratione agibilium conformi recto appetitui [...]”

38 Ibid., q. 10, p. 59: “[...] prudentia capitur dupliciter. Uno modo large, seu improprie et communiter; et est recta ratio agibilium quomodocumque habita, modo sit conformis conformis recto appetitui, modo non. Alio modo proprie et stricte; et est recta ratio agibilium conformis recto appetitui [...]”

39 Ibid., q. 9, p. 55: “[...] ut habetur 6 *Ethicorum*, videlicet prout est iudicium actuale practicum de agibilibus rectum, universale vel particulare, habens sibi coniunctum appetitum rectum, quocumque scilicet vel concomitantem secundum aliquos, vel causantam secundum alios [...]” Cf. Aristotle, *Nicomachean Ethics*, transl. Robert Grosseteste (*Recensio pura*), 39a22-4: “Quare quia moralis virtus habitus electivus, electio autem appetitus consiliativus, oportet propter hec quidem rationem veram esse et appetitum rectum [...]”

40 Ibid., 57: “[...] dicitur quomodocumque sit talis appetitus coniunctus tali dictamini prudentiali, scilicet concomitanter vel causaliter [...] Scotus [...] et sequaces tenent quod est solum concomitans aut consequens [...] Sed certe neque opinio, neque glosa praedicta Scoti videtur sufficiens aut vera, ut patebit statim; ideo est alia opinio B. Tho. 1.2, q. 58 a. 4 et 4, et q. 57, a. 1, et ibi Caiet. quod praedictus appetitus est causa praedicti iudicii seu rationis prudentialis [...]”

admit,” Córdoba states, “that, formally and properly speaking, freedom is brought to perfection solely in the will, whence there is more reason, when things are straightforwardly considered, to locate freedom within the will rather than in the intellect.”<sup>41</sup> Still, this does not necessarily mean that the will has temporal priority over the intellect; and contrary to Scotus, Córdoba holds that the intellect has to be more than merely a *causa sine qua non*. In fact, Córdoba cites Aquinas to support his contention that it is the intellect that determines the range of potential freedom to be enjoyed by a particular *viator*. Those who are better able to use their reason, Córdoba declares, possess more freedom, while individuals lacking in reason, such as children, madmen and those presently asleep, are, as a result, less free.<sup>42</sup>

Yet despite these concessions, Córdoba still holds that the actual freedom to make moral choices is found in the will. Hence, the moral caliber of a *viator* ought to be judged in accordance with the determinations of his will, rather than the decisions of his intellect. Significantly, Córdoba had argued that a prudential deliberation, strictly and properly speaking, is necessarily in agreement with a well-ordered desire. Prudence, when carefully considered, is thus seen to depend partly on the will. More broadly (and inaccurately) speaking, however, prudence is commonly defined as mere practical reason, in which the will is uninvolved. When these positions are combined, it becomes clear that wayfarers are *not* to be judged on the presence or absence of “prudence broadly speaking.” Instead, the extent of

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41 Ibid., q. 11, p. 64: “Nunc autem formaliter proprie et complete, libertas est in sola voluntate etiam secundum Thomistas ubi supra; ergo ibi simpliciter et potius quam in intellectu ponenda est.”

42 Ibid., 64-5: “Sed dissentiunt opiniones in hoc, quod secunda opinio Scoti et sequacium tenet quod ratio seu intellectus, ut distinguitur a voluntate, non est causa propria nec origo aut radix libertatis; sed solum est causa sine qua non [...] Prima autem opinio B. Tho. et sequacium tenet quod ratio non solum est causa sine qua non est libertatis; sed etiam est causa originalis eius et dispositio ut voluntas sit formaliter et consummate libera in se et libere producat actus suos. Et haec opinio B. Th. mihi probabilior est; tum propter rationes suprapositas, tum etiam quia ubi est magis de usu rationis ibi et magis de propria libertate est; et e converso ubi minus de rationis usu, ibi et minus est de libertate, ut patet in pueris, amentibus, somniantibus et dormientibus, in quibus ratio ligata est; ac perinde nec in eis plena et propria libertas in suis actibus invenitur [...]”

their virtuousness or viciousness is determined only by the presence or absence of “prudence strictly speaking.”

Córdoba further and more explicitly supports this conclusion when he proposes the following: “Assuming a right prudential judgment (strictly and properly understood as to include a right appetite), it is impossible that human beings would act in disagreement with this verdict, or fail to follow it. Instead, they would necessarily conform themselves to their prudential decision.”<sup>43</sup> In other words, “prudence strictly speaking,” precisely *because* of the presence of right desire, inescapably leads to virtue. In contrast, “prudence broadly speaking” could create awareness of a correct course of action, while still allowing *viatores* to follow their ill-disposed appetites.<sup>44</sup> More precisely, “prudence broadly speaking” may be an intellectual virtue, but, according to Córdoba at least, it is not a *moral* virtue, whence its absence does not constitute a sin.

Following these considerations, Córdoba questions whether every sin proceeds “in some manner” from ignorance or faulty reasoning.<sup>45</sup> Regarding this matter, there exist, he declares, two opinions. The first of these Córdoba ascribes to Aquinas, Durandus and Cajetan. According to these Dominicans, all sins must proceed from some species of

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43 Ibid., q. 12, p. 66: “Propositio prima: Stante recto iudicio prudentiali actuali particulari, stricte et proprie sumpto includente rectum appetitum, impossibile est aliter hominem agere vel omittere, sed eo necessario se conformat.”

44 Ibid., 67-8: “Propositio secunda stante reco et pleno iudicio seu dictamine prudentiali extense sumpto vel iudicio pleno ostensive tantum quod idem est, quo videlicet quis tam in universali, quam in particulari actualiter, plene et recte et certo iudicat aliquid esse omnino bonum secundum omnem rationem boni, honesti, utilis, et delectabilis, absolute et respective, scilicet tam in se quam in ordine ad aliud quodcunque bonum et quoad ipsum iudicantem: ita quod nulla ratio mali alicuius apparet in eo, imo et quod tunc omnibus aliis postpositis id eligendum est; tunc voluntas viatoris non necessario se conformat illi iudicio positive illud volendo, sed potest se illi difformare privative seu omissive se habendo quod alii dicunt, quoad exercitium actus.”

45 Ibid., q. 13, p. 74: “Quaestio XIII: Utrum in omni peccato sit aliqua ignorantia, defectusque rationis: ita etiam quod omne peccatum ex ignorantia, seu potius ex inconsideratione aliqua, procedat aliquo modo.”

ignorance, i.e., either from “imprudence strictly speaking” or “imprudence broadly speaking.” Even if it would seem that the imprudence in question is merely caused by a bad appetite (as opposed to faulty reasoning), there still would have been ignorance. “True” prudence, after all, would have successfully brought about a well-disposed desire instead.<sup>46</sup> Thus, Aquinas and his followers maintain that sin is always accompanied by intellectual shortcomings; and, moreover, that these prudential failings are the very cause of sin.

Córdoba, however, disagrees: it is not the intellect, but rather the will which causes a *viator* to undertake an evil course of action.<sup>47</sup> Consequently, Córdoba supports the second, “common” opinion, as proposed by Scotus, that the will is able to freely desire something evil, without any underlying fault in one’s reasoning.<sup>48</sup> Interestingly, Córdoba still cites Etienne Tempier’s condemnation of 1277 (which he knew indirectly through Scotus’ *Sentences* commentary) against the aforementioned Thomist position that knowledge and reason dictate the determinations of the will.<sup>49</sup>

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46 Ibid.: “Respondeo, in hoc est duplex opinio. Prima B. Thom. 1.2, q. 76, a. 4; q. 77, a. 2; q. 78, a. 1, et ibi Caieta.; et Durand. in 2, d. 5, q. 1; d. 24, q. 2; et d. 39, q. 5, et aliorum sequacium, quod in peccato tam omissionis, quam commissionis semper est aliqua ignorantia, idest imprudentia proprie seu stricte sumpta [...], quia ibi vel non est rectum plenumque dictamen prudentiale, quale requiritur; vel si est, non tamen est conformitas recti appetitus, ut ad talem prudentiam exigitur. [...] Ignorantia vero, idest imprudentia large sumpta, quae est carentia debitae cognitionis, aut saltem considerationis alicuius circumstantiae vel alterius, quod deberet considerari ad peccatum tale cavendum, semper est in omni peccato commissionis, quamvis non in omni peccato omissionis; quamvis non semper ullus ibidem sit error, deceptio, aut ignorantia proprie dicta, quae carentia debitae cognitionis est.”

47 Córdoba, *Quaestionarium theologicum*, II, q. 13, p. 74: “[...] dico simpliciter quod voluntas determinat intellectum ad concludendum sive iudicandum alterum oppositorum esse faciendum [...]”

48 Ibid., 75: “Secunda opinio Scoti in 3, d. 36, a. 2, et in 2 d. 6, a. 2 et in responsione ad tertium argumentum [...] et communiter doctorum est, quod [...] dicit quod stante plena rectaque deliberatione intellectus, potest voluntas etiam positive seu commissive male moraliter velle et nolle, sine ullo defectu in ratione [...]”

49 Ibid.: “Vide haec auctoritas potius est pro hac nostra opinione, quae et per eam magis confirmatur, et per tres artic. Parisiensis, in hunc modum condemnatos. Primus est: ‘Stante scientia in universali et particulari voluntatem non posse in oppositum.’ error. [...] Secundus: ‘Si recta ratio est, etiam recta voluntas est.’ error. Tertius: ‘existente voluntate in ult. dispositione, quod non possit oppositum velle.’ error. Hos errores etiam refert Scot. et communiter doct. in 3, d. 36; et Buridanus, 3 *Ethicorum*, q. 5.” For the condemned propositions

Thus, Scotus' voluntarism allowed Córdoba to argue – significantly, against Aquinas – that one's will is free from the dictates of the intellect or, more specifically, one's practical reason. Consequently, the intellect does not and cannot determine the outcome of a moral choice. Accordingly, the intellect has an exceedingly limited bearing on morality. As we have seen, Córdoba did believe that an ill-developed intellect limited the range of possible moral choices. Yet, the actual decision to commit to a particular course of action, whether moral or immoral, depends solely and exclusively on the will. In other words, the intellect, from a moral perspective, is merely a facilitator of the will. This means that intellectual failings are not sins or, for that matter, signs of sinfulness.

More importantly still, if an intellectual failing such as ignorance hinders the will, the *viator* may be excused for making, absolutely speaking, a less than optimal choice. Human wayfarers, especially if considered from a voluntarist perspective, are obligated to do the best *they* can, not to live up to an immutable standard of absolute goodness. It is precisely for this reason, Córdoba implies, that invincible ignorance excuses. Since such ignorance limits the choices available to the will, the ignorant *viator* cannot be blamed for choosing less perfectly than his learned counterpart.

It is hardly surprising, then, that invincible ignorance, if it has been guiltlessly incurred, excuses from all subsequent guilt altogether.<sup>50</sup> Significantly, Córdoba supports this finding by stating that being *invincibly* ignorant removes the obligation to overcome one's

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themselves, see chapter 2, n. 35, above. Cf. Scotus, *Ordinatio* III, d. 36, q. un., 55, *Opera omnia*, vol. 10 (Vatican City 2007), p. 242.

50 Ibid., q. 17, p. 88: “Omnis ignorantia omnino invincibilis, praecedens seu inculpabilis seu ex nulla culpa proveniens, tam iuris quam facti et circumstantiae cuiuscunque, excusat omnino et simpliciter a tota culpa [...]”

ignorance.<sup>51</sup> Moreover, such ignorance is suffered without active assent of the will: since the will is not involved, no sin is being committed.<sup>52</sup> The corollary following from these two propositions is that individuals are not obligated to overcome their invincible ignorance, since the human will – because of the invincibility of the ignorance in question – cannot make the choice to do so. Hence, the morality of a *viator* is to be judged by the determinations of his will, not absolutely, but *relative to the range of available choices*.

It is for this reason that Córdoba furthermore agrees with the “common,” yet still “very recent” opinion that even if invincible ignorance emerges out of some culpable action, no additional guilt is incurred as a result of further offenses committed on account of this ignorance. The inadvertent outcomes of such offenses, however, may nonetheless aggravate the original guilt.<sup>53</sup> For just as it is better – all other things being equal – to will good *and* to do good, than to only will good; likewise, it is worse to will evil and to do evil, rather than

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51 Ibid., 89: “Qui facit omnia ad quae tenetur non peccat; sed habens praedictam ignorantiam invincibilem est huiusmodi, ut constat ex diffinitione eius supra quaestio 1, ergo non peccat imputabiliter ullo modo. [...]”

52 Ibid., “Quia id quod tollit omnino rationem voluntarii ab aliquo actu quo ad esse morale, tollit etiam omnino rationem culpaе ab eo; sed ignorantia praedicta est huiusmodi, ergo. [...] ergo si nullo modo est voluntarium iam non est peccatum imputabile.”

53 Ibid., q. 18, p. 92: “Altera est opinio communis, neotericorum theologorum, quod peccata facta ex ignorantia invincibili praecedente culpabili, quae videlicet provenit ex quaecunque culpa etiam non emendata ipsius peccantis, non sunt coram Deo de novo culpabilia seu imputabilia, nova et propria culpa distincta a culpa seu imputabilitate suae causae, sed solum sunt et dicuntur culpabilia in sua causa, et eadem tantum culpa specifica suae causae; quamquam ratione sequelae effectus, quolibet praevisi aut debiti praevideri, habent rationem circumstantiae aggravantis culpam suae causae.” Ibid., 94: “Ex dictis patet [...] quod scilicet tota culpa peccati sequentis ex ignorantia omnino invincibili culpabili imbibitur in sua causa, scilicet in illa priori culpa [...]” Cf. Ibid., q. 16, p. 82: “Secunda opinio, quae mihi probabilior videtur, est quod omnis ignorantia, etiam vincibilis effectata, quatenus ignorantia est, excusat omnem actum quem causat et committatur ab omni illa culpa seu imputabilitate, quae proveniret in tali actu, ratione cognitionis oppositae, si talis ignorantia non adesset; [...]”

merely willing evil.<sup>54</sup> Differently put, the *actual* consequences of human actions matter, albeit not as much, Córdoba suggests, as the underlying intention.<sup>55</sup>

With his finding that ignorance may still be invincible, even if its underlying cause is not, Córdoba provides a voluntarist-inspired rationale for the arguments that we have previously seen presented by the Thomists Vitoria, Soto and Las Casas. Vitoria, for instance, had interpreted Aquinas' argument "that negative unbelief is a punishment, rather than a sin," to mean that such unbelief, despite its avoidable underlying cause, is invincible.<sup>56</sup> Similarly, Las Casas maintained that the Indians' invincible ignorance of the Christian faith could be explained by some other, damnable offense.<sup>57</sup> Finally, Soto had likewise argued that the American natives – even if the Christian faith in previous centuries had been preached to them – could be excused for their ignorance, because "those who, on account of a major offense, are ignorant, are in no way to be blamed for the offense of ignorance."<sup>58</sup> Hence, it would seem improbable, in spite of Vitoria's claim to the contrary, that the intellectualist Aquinas had provided the inspiration for this argument, if only because

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54 Ibid., 94: "[...] sicut quis est aliquo modo melior, caeteris paribus, volens et faciens bonum quam volens et non faciens, puta, quia non potest; ergo similiter econverso peior est male volens et male volens quam male volens tantum; [...]."

55 Throughout the Middle Ages, the question whether to prioritize intention or consequence of a moral action found supporters of either viewpoint (and single authors, depending on the case at hand, would frequently hold both positions in the same text). Although it certainly seems that intention increasingly came to be seen as carrying more weight, there was, at least until the early thirteenth-century, no clear, linear development toward this position. See e.g. Raymund Kottje, "Intentions- oder Tathaftung? *Zum Verständnis der frühmittelalterlichen Bußbücher*," *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Kanonistische Abteilung* 91 (2005), 738–41.

56 See above, chapter 1, pp. 47-49.

57 See above, chapter 5, p. 230-31.

58 See above, chapter 6, p. 248, n. 26.

Córdoba notes that the opinion in question had been proposed by theologians more “youthful” than even the *moderni*.

Summarizing Córdoba’s ideas, we may now draw the following conclusions. We must note, first of all, that Córdoba was a voluntarist. In his system of thought, the will retains the capacity to act independently from the conclusions of the intellect. Human and (we may assume) divine freedom is located primarily in the will. Yet, Córdoba, more than Scotus – still the preeminent theologian of the Franciscan Order – recognized the intellect as determinative of the *potential* extent of human freedom.

Most crucially, however, Córdoba claimed that *viatores*, on account of intellectual failings, could suffer from invincible ignorance of both divine and natural law. Such intellectual shortcomings, Córdoba notes, are not to be confused with moral shortcomings. After all, as long as the human will chooses properly between the options *that are actually and realistically available*, no sin is incurred. Significantly, an ill-developed intellect restricts the choices potentially available to the will. Hence the proper moral choice for someone who is ignorant, may deviate from what would be considered fitting for a learned individual. In other words, those who suffer from invincible ignorance are held to a lower standard.

Thus, instead of obeying absolute and immutable moral standards, *viatores* are obligated to do their subjective best, i.e., “to do what is within them.” Hence, wayfarers’ actual obligations vary according to their education, upbringing and station in life. More specifically, Córdoba argues that individuals belonging to the lower strata of society are not supposed to investigate the truth with too much zeal. No doubt, the notion of inquisitive rustics, openly questioning established authority, appeared positively horrifying to Córdoba and his fellow upper class theologians.



Yet, every individual was obligated to make some effort to learn of the truth, if sometimes only with a “middling diligence.” Like Scotus before him, Córdoba stressed the necessity of prudence, rather than speculative reason, for discovering one’s moral obligations. Since prudence can only lead to contingent findings, it is unavoidable that wayfarers will occasionally fail to reach the right conclusion. Córdoba, however, sees no reason to be concerned. *Viatore*s, after all, are not required to do what is objectively right, but only what is subjectively right, i.e., what is “right” in the context of *their* knowledge and situation.

One of the main implications of Córdoba’s obligational theology is that non-Christians who suffer from invincible ignorance may receive grace and, ultimately, find salvation. Although it is necessary that such infidels believe in the one true God, their faith in Christ may be implicit, rather than explicit. It may not even matter if the underlying cause of their ignorance is culpable, because as long as their ignorance is truly invincible, the will remains limited in its options. Accordingly, these wayfarers’ obligations are fewer. In short, at least some Indians, perhaps wiser or more enlightened than their compatriots, could conceivably – like certain pagan philosophers of Antiquity before them – believe in a single God, rather than a pantheon of deities, while simultaneously having implicit faith in Christ. Although Córdoba may have devised these arguments primarily to “save” both human free will and a benevolent, efficacious divine providence, their corollary is obvious: some Indians could be worthy of salvation, while even a larger number could be valiantly struggling to achieve that same worthiness. Consequently, violent and indiscriminate means to remedy the Indians’ collective shortcomings are severely misplaced. It would be no surprise, then, if the relatively moderate approach of forced tutelage came to be seen as the more proper and fitting policy.

### Conclusion

If we, at this point, compare the thought of Vitoria, Soto and Córdoba, we will notice that, although there are differences, the overall thrust of their arguments is similar. All agree that (some) ignorance of the natural or divine law is neither necessarily a sign of immorality, nor an unsurpassable hindrance – if only for the time being – to salvation. As a result, the image of the archetypical Indian could change from that of an evil savage to that of a generally unsuccessful *viator* instead. Although, as of yet, we cannot tell whether this change actually *caused* the simultaneous Spanish shift in policy toward its New World-subjects, we would be hardly amiss in suggesting a close relationship. At the very least, the changed perception of the Indian would have made Spain's reforms palatable to its courtiers, bureaucrats and clergymen tasked with implementing said policy.

We are also reminded that, just as the Dominicans Vitoria and Soto were willing to deviate from the conclusions of Aquinas, the Franciscan Córdoba could openly disagree with Scotus. The Thomists and Scotists of the sixteenth century were clearly not as beholden to their scholastic exemplars as has sometimes been suggested by the subsequent historiography. Moreover, Córdoba's adoption of both Scotist and Thomist positions on the relationship between will and intellect once again illustrates that voluntarism and intellectualism are not isolated and discrete positions, but rather occupy different spaces on the same, continuous spectrum.

Perhaps most significant, however, is Vitoria's, Soto's and Córdoba's understanding of the role and function of the virtue of prudence. According to Aquinas, prudence merely

regulates the means through which the moral virtues are pursued.<sup>59</sup> In other words, prudence dictates how to apply “reason,” i.e., what is objectively known to be good, to one’s deeds.<sup>60</sup> Hence, prudence deals with the application of invariably and known truths, i.e., moral precepts, to practical situations. Vitoria, Soto and Córdoba, however, agree with Scotus that prudence is required not only to apply general moral precepts to practical conditions, but also to discover these commandments in the first place.<sup>61</sup>

As noted before, this means that the present moral order can never be completely and infallibly known, as practical (as opposed to speculative) reason does not lead to infallible conclusions. Additionally, since prudence is a *habitus*, it is to be expected that wayfarers only discover their obligations over time, through practice and education. The willingness to adopt or co-opt Scotus’ notion of prudence – originally voluntarist in inspiration – was, we may now conclude, a significant if not critical element in the thought of those theologians ready to ascribe invincible ignorance of both natural and divine law to the American natives.

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59 Aquinas, *Summa theologiae*, II-II, q. 47, a. 6: “Et ideo ad prudentiam non pertinet praestituere finem virtutibus moralibus, sed solum disponere de his quae sunt ad finem.”

60 Ibid., q. 47, a. 7: “Respondeo dicendum quod hoc ipsum quod est conformari rationi rectae est finis proprius cuiuslibet moralis virtutis, temperantia enim hoc intendit, ne propter concupiscentias homo divertat a ratione; et similiter fortitudo ne a recto iudicio rationis divertat propter timorem vel audaciam. [...] Sed qualiter et per quae homo in operando attingat medium rationis pertinet ad dispositionem prudentiae.”

61 Of these theologians, Vitoria is the least explicit on the exact function of prudence. Nonetheless, in his *De eo ad quod homo tenetur* he often refers to need for a *viator* to engage in “deliberation” in order to discover his obligations. Cf. Aristotle, *Nicomachean Ethics*, 40a32: “Consiliatur autem nullus de impossibilibus aliter habere, neque non contingentibus ipsi agere.” Hence, these obligations are contingent, rather than necessary, whence they cannot be discovered through speculative reason.

PART IV:  
EPILOGUE

CHAPTER 8  
SUÁREZ, *AETERNI PATRIS*, AND THE ANTI-MODERNIST  
REACTION

Francisco Suárez

In the concluding chapter of a recent handbook of medieval philosophy, its author, Jorge Gracia, describes the period from about 1525 to 1625 as the “silver age of scholasticism.” Although its achievements were not as impressive as those accomplished during scholasticism’s “golden age” between the years 1250 and 1350, there was, in Gracia’s words, “an extraordinary level of productivity in terms of both quantity and quality.”<sup>1</sup> The scholasticism of the silver age was centered on the universities of the Iberian Peninsula, and Francisco Suárez, who spent the larger part of his life studying and teaching at the most renowned of these institutions, was “the greatest of [its] philosophers.” His work “surpasse[d] in depth, originality and comprehensiveness” that of any other contemporary philosopher. Consequently, his influence on subsequent philosophical thought “has been substantial.”<sup>2</sup>

Yet, if Suárez, also known as the Doctor Eximius, on account of his exceptional accomplishments, was indeed the greatest thinker of “silver age scholasticism,” he was also all but the last. His death, which occurred in 1617, practically coincided with the end of the so-called silver age. Furthermore, Suárez is described as a pivotal figure, i.e., as “the last

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1 Jorge Gracia, “Suárez (and Later Scholasticism),” in John Marenbon ed., *Medieval Philosophy*. Routledge History of Philosophy Volume III (London and New York 1998), 452-74: 452

2 Ibid., 457-58.

major medieval theologian and the first major modern philosopher.”<sup>3</sup> In accordance with this characterization, most subsequent thinkers rejected scholasticism and, instead, proceeded to explore new philosophical approaches.<sup>4</sup>

Another reason to treat Suárez as an appropriate ending point of this study emerges when we consider the basic chronology of his life. Suárez was born in 1548, in the Andalusian city of Granada. He studied canon law in Salamanca and, after repeatedly being rejected for purportedly lacking intellectual ability, was finally admitted to the Jesuit Order in 1564. Ordained in 1572, he then taught theology at Ávila and Segovia, Valladolid, Rome, Alcalá, Salamanca, and, ultimately at Coimbra until briefly before his death in 1617.

Attention to these dates permits us to reach several conclusions. First, if we are correct to consider Philip II’s *Ordinances Concerning Discoveries* from July 1573 as the provisional culmination – following the New Laws of 1542 and the Valladolid debate of 1550 – of a decisive shift in official Spanish policy regarding the treatment of the American natives, then Suárez seems to have been too young to contribute to the debate that led to this change. Second, Suárez did not publish his most relevant treatises (e.g. *De legibus*) until the first decades of the seventeenth century, almost forty years after the promulgation of Philip II’s *Ordinances*.<sup>5</sup> Nonetheless, according to Gracia, Suárez’ ideas proved influential, both in the Old and New World.<sup>6</sup> Indeed so; for that reason, we may use Suárez’ treatises to

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3 Ibid., 459.

4 Ibid., 452.

5 We must not however, overlook the fact that Vitoria did not publish at all during his lifetime.

6 Gracia, “Suárez,” 461.

illustrate the continuing impact of the concept of invincible ignorance, as espoused by his predecessors Vitoria, Soto and Córdoba, on early modern philosophical thought

Suárez helpfully addresses the relationship between sin and ignorance in his *De vitiis et peccatis*. He explicitly notes, arguing against Cajetan, that sin can only arise from vincible ignorance. In other words, Suárez defends the common, almost entirely uncontroversial theological opinion that invincible ignorance excuses altogether from guilt.<sup>7</sup> In his treatise *De voluntario et involuntario*, he further explains that the reason why invincible ignorance excuses is because such ignorance removes the ability of the will to agree to the sinful aspects of certain acts. After all, “the will cannot be brought to bear on what is unknown.”<sup>8</sup> And since all sin must be voluntary, invincible ignorance necessarily excuses from guilt.<sup>9</sup>

The *De voluntario et involuntario* – in which Suárez frequently cites Córdoba’s *Liber de ignorantia* – is also where he defines the concept of invincible ignorance. “Ignorance,” Suárez states, “is called invincible, when those who suffer from it do not deliberately omit to do any of the things they can and must do to expel their own ignorance, yet are nevertheless unable to do so.”<sup>10</sup> Significantly, Suárez recognizes that the ability to overcome ignorance differs

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7 Suárez, *De vitiis et peccatis*, disp. IV, sect. un., 5, p. 551: “Tertio ergo propositio sit: Peccatum ex ignorantia illud est, quod a vincibili ignorantia voluntarium diminuentem, tanquam a causa per accidens procedit [...] Dixi ignorantiam debere esse vincibilem, quia oportet omne peccatum esse voluntarium, et propterea si invincibilis est, non solum non est culpabilis, sed excusat, ut D. Thomas expresse multis in locis docet; in 1.2, licet Cajetanus, q. 176, a. 1, velit ignorantiam invincibilem esse causam peccati [...]; tamen non bene loquitur [...].”

8 Francisco Suárez, *De voluntario et involuntario in genere, deque actibus voluntariis in speciali*, sect. ii, 8, in *Opera omnia*, vol. 4, p. 218: “Respectu conditionis ignoratae, omnis ignorantia causat non voluntarium directum et in se. Hoc est per se notum, supposito illo primo principio, quod voluntas non potest ferri in incognitum. Ergo voluntas necessario efficit, ut id quod ignoratum est, ut sic, non possit esse in se volitum: hoc autem necessarium est ad voluntarium directum et in se.”

9 Cf. n. 7 above: “[...] quia oportet omne peccatum esse voluntarium [...].”

10 Ibid., disp. IV, sect. i, 19, p. 215: “et ideo dicendum cum communi sententia ignorantiam invincibilem illam esse, in qua homo voluntarie nihil facere omittit eorum, quae potest et debet facere ad illam expellendam, et

from person to person: individual capacity, knowledge, and circumstances must be taken into account when judging whether one's ignorance is truly invincible, and hence excusable.<sup>11</sup>

Furthermore, Suárez distinguishes between two kinds of invincible ignorance. The first kind occurs when individuals completely fail to discern a particular obligation – either to act in a certain way or to inquire further as to the proper course of action – so that they are rendered entirely powerless to apply their diligence. The second kind of invincible ignorance, also called “probable ignorance,” arises when human beings, regardless of their best efforts, are unable to resolve a certain doubt.<sup>12</sup>

Having clarified Suárez' conception of invincible ignorance, we may now turn to the potential objects of such ignorance, beginning with the natural law. At one point in his *De legibus* (1612), Suárez questions whether the natural law is “one and the same in all human beings.” He responds briefly, following Aquinas, that this law is indeed identical in all

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nihilominus eam expellere non potest.” For Suárez citing Córdoba's *Liber de ignorantia*, see disp. IV *passim* (pp. 211-33).

11 Ibid., 216: “Sed quod ad potestatem attinet, intelligendum est non solum de potestate remota, sed aliquo modo proxima, id est, quod juxta capacitatem hominis, et consideratis circumstantiis, et notitia quam habet [...]”

12 Ibid., 20, p. 216: “Unde concluditur, dupliciter posse ignorantiam esse invincibilem: primo modo, quia nunquam venit in mentem hominis se teneri ad id sciendum vel inquirendum, vel ad utendum tali medio, seu tali diligentia ad acquirendam scientiam, ut, verbi gratia, ad non furandum, ne ponat impedimentum divinae illustrationi, quia hujusmodi dispositio reddit hominem impotentem ad faciendam diligentiam, et haec propriissime est ignorantia invincibilis. Secundo modo est quando homo dubitans se ignorare, facit moralem diligentiam rei et negotio accomodatam, et nihilominus non potuit illam ignorantiam expellere, et illa dicitur ab aliquibus ‘ignorantia probabilis,’ quia jam ille homo probabili fide in illa durat, et ideo excusat majorem diligentiam adhibere, licet fortasse posset.”



individuals, yet only according to its substance, and not according to the extent to which it is actually known.<sup>13</sup> Hence, ignorance of the natural law is possible.

Next, Suárez investigates whether such ignorance may be invincible. Although it is impossible, Suárez claims, to have invincible ignorance – or, for that matter, *any* kind of ignorance – of the “first principles” of the natural law, this is not true with regard to its other commandments: “It is [indeed] possible,” he argues, “to be ignorant of specific precepts that are either *per se nota*, or easily derived from such commandments, but not, however, both guiltlessly and for a long time.” In other words, Suárez admits, albeit rather grudgingly, that for a (very?) limited time wayfarers may suffer from invincible ignorance of even the Decalogue.<sup>14</sup> Other, more obscure precepts, which require “greater reasoning” in order to be known, may easily (and presumably for the full duration of one’s lifetime) remain subject to invincible ignorance, especially, as the Doctor Eximius notes, “among the common people.”<sup>15</sup> Because he must have recognized that neither Aquinas nor any other prominent *doctor antiquus* would have subscribed to these assertions, Suárez here cites only Soto and Córdoba in support of his contentions.<sup>16</sup>

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13 Francisco Suárez, *De legibus*, Lib. II, c. viii, 5-6, in *Opera omnia*, vol. 5, p. 117: “[...] dicendum est hanc legem naturalem esse unam in omnibus hominibus et ubique. [...] Hic occurrebat objectio, quia diversae nationes usae sunt legibus contrariis naturalibus praeceptis; ergo non est eadem lex naturae in omnibus. [...] Respondeo breviter ex D. Thoma supra, hanc legem quoad substantiam in omnibus hominibus esse unam; quoad notitiam vero non esse integram, ut sic dicam, in omnibus.”

14 Ibid., 7, p. 117-18: “Hic vero occurrebat quaestio, an haec ignorantia naturalium praeceptorum possit esse invincibilis. [...] mea sententia breviter est: prima principia ignorari non posse ullo modo, nedum invincibiliter; praecepta vero particularia quae vel per se nota sunt, vel facillime ex per se notis colliguntur, ignorari quidem posse, non tamen sine culpa saltem per longum tempus, quia et facillima diligentia cognosci possunt, et natura ipsa et conscientia ita pulsant in actibus eorum, ut non permittat inculpabiliter ignorari, et hujusmodi sunt praecepta Decalogi, ac similia.”

15 Ibid., 118: “Alia vero praecepta, quae majori indigent discursu, ignorari possunt invincibiliter, praesertim a plebe [...]”

16 Ibid.: “Videatur Corduba, Lib [2] *Quaestio.*, q. 4 et Soto 1 *De justit.*, q. 4, a. 4.”

So far, we have seen that Suárez argued that invincible ignorance cannot lead a *viator* to sin; moreover, invincible ignorance of the Decalogue is possible, albeit for a brief time. Thus, if only implicitly, Suárez contends that violations of the Decalogue by those invincibly ignorant of its precepts cannot be sinful. It would seem, therefore, that it would follow that God is able to freely offer dispensation from these moral commandments. Suárez, however, while investigating whether God, “even with his absolute power,” can give dispensation from the natural law, reaches a rather different conclusion.<sup>17</sup>

Before outlining his own position, the Doctor Eximius first carefully considers the problem at hand. There are, he states, three “orders” among the precepts of the natural law. The first order consists of the “most universal principles,” such as “do not commit evil” and “strive after the good;” the second order is made up of the conclusions immediately following from these principles, including, for example, the commandments of the Decalogue; while the third order consists of all the other precepts, which are “much farther removed from the first principles.”<sup>18</sup>

According to Suárez, there is no controversy among Catholic theologians as to whether God can give dispensation from the first principles, for it is certain that this is not the case. After all, if God were to free human beings from the most general obligation imaginable, i.e., “to do good and avoid evil,” there would be no longer a basis for any other, more specific obligations such as “do this *particular* good,” or “avoid that *specific* evil.” Accordingly, since there would not remain even a single obligation, dispensation would have

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17 Ibid., c. xv, p. 144: “Utrum Deus dispensare possit in lege naturali etiam de absoluta potestate.”

18 Ibid., 2, p. 144: “Distinguimus tres ordines praeceptorum naturalium: quaedam sunt universalissima principia, ut ‘malum faciendum non est,’ et ‘bonum est prosequendum;’ quaedam vero sunt conclusiones immediatae, et omnino intrinsece conjunctae dictis principiis, ut praecepta Decalogi; in tertio ordine sunt alia praecepta, quae multo magis sunt remota a primis principiis, imo ab ipsis Decalogi praeceptis [...]”

become a logical impossibility.<sup>19</sup> Consequently, the main controversy – since theologians have said little about precepts of the third order – concerns whether God is able to offer dispensations from the precepts of the second order, including, therefore, from the commandments of the Decalogue.<sup>20</sup>

On this issue there are four opinions that Suárez thinks merit consideration. First, he mentions the Ockhamist position that God is not only able to give dispensation from the entire Decalogue, but also to abrogate these commandments and to replace them with their very opposites.<sup>21</sup> Suárez, however, rejects this opinion as “false and absurd,” because, among other things, it could lead to the self-contradictory situation that God could order human beings to hate him. Yet, as “obedience arises primarily from love,” to obey God is to love him; and to love God by hating him would be a self-evident impossibility.<sup>22</sup>

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19 Ibid.: “De primis non est controversia inter auctores; nam certum est in ea non cadere dispensationem respectu hominis libere et moraliter operantis. Nam si Deus faciat ut homo careat omni operatione morali, liberum usum rationis et voluntatis impediendo, excusaretur homo ab omni lege naturali, quia nec bene nec male moraliter operari posset; tamen illa non esset dispensatio in lege naturae, sed esset impedire subjectum ne esset capax obligationis illius, sicut nunc infans non obligatur proprie lege naturali. At vero si homo relinquitur capax liberae operationis, absolvi non potest ab omnibus illis principiis legis naturae; quia, posita quaecumque dispensatione, necesse est ut illa principia sint regula honeste operandi: vel enim dispensatio facit operationem, vel carentiam ejus licitam, vel non facit. Si vero facit, necesse est ut ratio judicet hic et nunc operationem esse licitam; ergo dispensatio non potest cadere in illud principium: bonum est prosequendum [...]”

20 Ibid.: “Controversia ergo est de aliis duobus ordinibus praeceptorum, et praesertim tractatur a doctoribus de secundo; [...] de tertio pauca dicunt [...]”

21 Ibid., 3, p. 144: “Est ergo prima sententia generaliter affirmans posse Deum dispensare in omnibus praeceptis Decalogi. Quae consequenter ait non solum posse Deum dispensare, sed etiam abrogare totam illam legem [...] Ex quo tandem concludit non solum posse Deum haec non prohibere, sed etiam praecipere ut fiant [...] Haec fuit sententia Ocham in 2, q. 19, ad 3 dubium, quem sequitur Petrus de Aliaco in 1, d. 74 [...]”

22 Ibid., 4-5, 144-45: “Haec vero sententia tanquam falsa et absurda a reliquis theologis rejicitur. [...] Unde a fortiori constat multo majus absurdum esse dicere, posse Deum homini praecipere ut ipsummet Deum odio habeat, quod plane sequitur ex illa sententia. [...] esset ibi quaedam contradictio: nam obedire Deo est quidam virtualis amor ejus, et obligatio ad obediendum praesertim nascitur ex amore; ergo repugnat obligari ex praecepto ad ipsummet Deum odio habendum.”

Suárez is likewise “displeased” by Scotus’ position that God is able to freely offer dispensation from the commandments of the second table. According to the Doctor Eximius, at least, it would follow from this opinion that these precepts only came into force among God’s chosen people after they were revealed to Moses and, moreover, that these rules would not obligate any of the other nations as the Mosaic law had not been given to them.<sup>23</sup> Suárez also rejects the third opinion, essentially a variation on the second that had been espoused by Durandus and Major. Like Scotus, the latter two had distinguished between the negative obligations of the first table and the positive commandments of the second. Major, however, did not satisfactorily prove his position, Suárez finds, but merely “assumed everything.” Durandus, who had argued that the commandments of the first table – in contrast to those of the second – expressed humankind’s direct indebtedness to God, had drawn an irrelevant distinction. There is no intrinsic reason, Suárez concludes, why the measure of indebtedness of a *viator* would influence God’s ability or inability to give dispensation from the established moral order.<sup>24</sup>

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23 Ibid., 6-9, 145-46: “Secunda sententia est Scoti in 3, d. 37, q. un., quem ibi sequitur Gabriel quaestione prima, articulo secundo, et refert etiam ibidem Almainus, distinguitque inter praecepta primae et secundae tabulae. Primae tabulae dicuntur tria praecepta Decalogi, quae versantur circa Deum; de quibus sentit duo prima, quae negativa sunt, esse indispensabilia; tertium autem, quatenus involvit circumstantiam Sabbati, et dispensabile et abrogabile fuisse [...] quatenus vero absolute continet affirmativum praeceptum cultus divini, dubitat an dispensabile sit [...]. Praecepta secundae tabulae dicuntur reliqua septem, et in universum omnia quae circa proximos vel creaturas versantur, de quibus omnibus sentit Scotus dispensabilia esse. [...] mihi valde displicet haec sententia. Primo enim, si praecepta secundae tabulae non essent legis naturae, ante legem per Moysen datam non obligassent homines ex vi solius rationis naturalis, quia per illam non poterat constare de speciali prohibitionem divinam, si ratio non ostendebat in actibus intrinsecam malitiam. Unde etiam post datam legem illa praecepta moralia non obligassent gentes pro quibus lex Moysi data non erant, imo nec nunc quoad nos suam vim retinerent, quia omnia praecepta, quatenus fuerunt positiva illius legis, cessarunt.”

24 Ibid., 13-15, 147-48: “Tertio opinio est Durandi in 1, d. 47, q. 4, et Majoris in 2, d. 37, q. 10, qui distinguunt inter praecepta negativa et affirmativa, quamvis omnino inter se conveniant. Nam Major dicit negativa esse indispensabilia, excepto quinto praecepto ‘Non occides.’ [...] Quod si Major velit, stantibus eisdem circumstantiis cum quibus obligat naturale praeceptum, posse Deum dare licentiam ne impleatur, illud non probat, sed assumit tantum. [...] Durandus autem distinguit inter praeceptum primae et secundae tabulae, et prius dicit esse indispensabile, posterius autem dispensari posse. Probat hac ratione, quia omnis materia a qua auferri ratio debiti dispensabilis est; illa vero quae habet debitum inseparabile est indispensabilis: sed materia

This leaves Suárez no choice but to accept the fourth and final opinion, in which Aquinas, Cajetan, Vitoria and Soto had concurred, namely that no dispensation whatsoever of the Decalogue is possible.<sup>25</sup> Yet this opinion, too, appears problematic. Like Vitoria before him, Suárez argues that invincible ignorance of the Decalogue is possible, and hence violations of its commandments by those suffering from invincible ignorance are not sinful. Somehow, however, God is nonetheless unable to give dispensation from its precepts. Suárez resolves this paradox first by stating that because God is the supreme legislator possessing universal dominion, he need not provide dispensation when ordering human beings to act against the established moral rules. Abraham's attempted sacrifice of his son Isaac was licit because God, in his capacity of "lord over life and death," had ordered Abraham to make this sacrifice. In other words, inasmuch as God himself required no dispensation to slay Isaac rightfully, then Abraham, being a mere instrument for implementing God's command, likewise had no need.<sup>26</sup>

More specifically, God is able to change the context, and hence the very nature, of a certain act. Thus, the intended killing of Isaac would properly speaking not have made

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illorum praeceptorum ita se habet; ergo. Minorem probat hac analogia, quia dependentia a Deo est inseparabilis a homine; dependentia vero unius hominis ab alio est separabilis a quocumque. Sic ergo a cultu Dei est inseparabile debitum; ab honore autem parentem separari potest. [...] Sed quoad neutram partem videtur mihi ratio efficax, nec distinctio constans. [...] nam si sit sermo de debito, aequè inseparabile est sumptum cum proportione, seu supposita emanatione a tali causa. Si vero sit sermo de actibus quibus solvitur hoc debitum, sicut potest Deus facere ut homo sine peccato nunquam in tota vita exercent actum cultus divini; ergo vel neutra est dispensatio, vel in utroque praecepto dispensari potest."

25 Ibid., 16-19, 148-49: "Est igitur quarta opinio, quae absolute et simpliciter docet, haec praecepta Decalogi esse indispensabilia etiam per Dei <potentiam> absolutam. Tenet D. Thomas, q. 100, a. 8, et ibi Cajetanus et alii; Sotus 1.2 *De just.* q. 3, a. 8; Victor. relect. *De homicidio*; [...] Haec igitur sententia formaliter, et proprie loquendo, vera est."

26 Ibid., 20, 149: "Hoc videre licet in exemplis positus. Quando enim Deus praecipit Abrahae interficere filium, id fecit tanquam dominus vitae et mortis. Si enim Deus ipse per seipsum voluisset interficere Isaac, non indignisset dispensatione, sed ex suo dominio id facere posset. Eodem ergo modo potuit uti Abrahamo ut instrumento, et quantum praeceptum non prohibet esse instrumentum Dei in occisione, si ipse praeceperit."

Abraham a murderer, but rather “an instrument of God,” which, of course, is in no way prohibited by the Decalogue.<sup>27</sup> Likewise, the spoliation of the Egyptians did not turn the Israelites into thieves, but instead into laborers who finally (and rightfully) collected their hard-earned wages.<sup>28</sup> From these examples Suárez deduces that God is both able and willing to take into account the context, not only of those acts prohibited by the Decalogue, but also the circumstances under which its positive commandments are to be fulfilled. In fact, the Doctor Eximius notes, it is easy to see why *viatores* are not always required to fulfill its positive obligations. It would hardly be practical, for example, to honor one’s parents constantly throughout the entire day. Hence, only when required by the circumstances, e.g., when one’s parents are actually present, are wayfarers obligated to do so.<sup>29</sup>

Accordingly, it makes perfect sense, Suárez concludes, to assume that God is able to remove the necessity of obeying a command by introducing new circumstances which would impede its fulfillment. The precept in question would nevertheless remain intact and would continue to obligate wayfarers whenever they have the opportunity to fulfill it. This, according to Suárez, adequately establishes that God does not strictly speaking provide dispensation from any currently binding commandment.<sup>30</sup>

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27 See n. 26 immediately above.

28 Suárez, *De legibus*, Lib. II, c. xv, 20, p. 149: “Simili modo non dispensavit cum Hebraeis, quando Aegyptiorum spolia illis concessit, sed vel tanquam supremus iudex reddidit eis mercedem laborum suorum [...]”

29 Ibid.: Idemque applicare potest ad praecepta affirmativa, in quibus est res facilis, quia non obligant pro semper, sed stante opportunitate quae circa tale objectum inducat necessitatem.”

30 Ibid.: “Potest autem Deus aut objectum mutare, cedendo juri suo, vel hominum jura immutando, aut etiam necessitatem potest auferre addendo novas circumstantias quae illam impediunt, et nihilominus praeceptum integrum manet, ut ex se semper obliget pro debita opportunitate, quod est signum non fuisse factam dispensationem.”

Thus, Suárez succeeds in reconciling the possibility of suffering invincible ignorance of the Decalogue with God's inability to offer dispensation from its precepts, for in cases of such ignorance, God does not remove the commandment itself, but rather the necessity to obey it. To all *practical* intents and purposes, of course, this appears no different from outright dispensation. Either way, individuals such as the American Indians may be excused for disregarding the most basic precepts of the natural law.

Although Suárez argues – unlike Scotus, for instance – that the natural law prohibits what is evil *per se*, rather than evil as *freely* instituted by the divine will, their respective universes, when considered from a human viewpoint, are nonetheless rather similar.<sup>31</sup> From the perspective of an individual human being, after all, the present moral order turns out in both cases to be contingent rather than necessary; and God is free to hold different expectations of different wayfarers, depending on their upbringing, education and intellectual abilities. Like Vitoria and Soto before him, Suárez has thus succeeded in fitting an apparently voluntarist universe into an intellectualist framework.

Having outlined how and why, according to Suárez, particular human beings may licitly remain ignorant of the natural law, we now turn to his attitude toward their ignorance of the Christian faith. In his posthumously published *De triplici virtute theologica, fide, spe, et charitate* (1621), Suárez discusses, among other things, whether explicit faith in Christ is always required for salvation. His answer to this question possesses a twofold importance. The first is that it will reveal whether, according to the Doctor Eximius, *viatores* could indeed suffer from invincible ignorance of Christ, as well as of Christianity in general. After all, if an explicit belief in Christ is absolutely necessary for salvation, it would seem inconceivable that

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31 See e.g. *ibid.*, 18, 148-49: “Nam (ut saepe dictum est) lex naturalis prohibet ea quae secundum se mala sunt [...]. For Scotus’ position, see chapter 2, below.

invincible, i.e. excusable, ignorance could be had of such a critical requirement. For if, indeed, human wayfarers, through no fault of their own, could be barred from finding salvation, dangerous doubts would inevitably arise regarding either the efficacy or the benevolence of divine providence.

Second, Suárez' response will indicate whether the Indian infidels, before the arrival of the Spaniards, possessed at least a theoretical opportunity to find salvation. Again, the implications are significant: if the Indians could not be saved (and divine perfection is still assumed), this would prove their rampant and universal immorality. If, however, some Indians, despite formally being unbelievers, could nonetheless find salvation, the indiscriminate means of war, conquest and enslavement would be inappropriate as remedies for all but a few of their moral shortcomings.

Suárez commences his discussion on the necessity of explicit faith by stating that some belief, especially with regard to the Trinity and the Incarnation, is necessary for salvation – which he defines as consisting of justification in this life and glorification in the next.<sup>32</sup> The question remains, however, whether implicit faith in Christ, that is, faith in the existence of some unspecified means of redemption, could, under certain circumstances, replace explicit faith in Christ's crucifixion, suffering and resurrection, as preached by the Church.

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32 Suárez, *De triplici virtute theologica*, tract. 1, disp. XII, sect. iv, 1-3, pp. 350-351: "Supponimus in primis eam fidem Dei, et consequenter etiam Christi, quae fuit necessaria prioribus temporibus, a fortiori, et multo magis in hoc tempore requiri, quia illa fuit minima fides quae ad salutem postulari potest. [...] Secundo, supponendum est de duobus mysteriis praecipue versari quaestionem, Trinitatis, scilicet, et Incarnationis seu Redemptionis, quia primum est maxime necessarium ex parte finis; secundum vero ex parte medii principalis humanae salutis. [...] Tertio suppono quod supra tetigi, duplicem esse salutem: unam justificationis in hac vita, alteram glorificationis in futura [...]."



Here Suárez reviews three opinions. According to the first, held Durandus,<sup>33</sup> Biel, and Aquinas (which, however, Suárez disputes) explicit faith in Christ “in this age of the New Law” is the “necessary means” through which salvation is attained. Although it is possible that some worthy unbelievers have not heard the Gospel, if they “do what is within them,” then God will unfailingly illuminate them so that they may believe explicitly.<sup>34</sup>

A second, fairly recent opinion had been espoused by several of Suárez’ (near-) contemporaries, such as the Dominican theologians Melchior Cano (d. 1560) and Domingo Báñez (d. 1604). The adherents of this opinion deduced from the Biblical account of the conversion of the centurion Cornelius (Acts 10) that, prior to hearing the Gospel, one could be truly just and God-fearing, while, ultimately, still requiring the assistance of a preacher and the sacrament of baptism. Thus, although implicit faith is sufficient to attain justification in this life; nonetheless, in order to be glorified in the next, a more explicit faith is required.<sup>35</sup>

Suárez ascribes the third and final opinion to, among others, Soto and Córdoba. As we have seen in the preceding chapters, these theologians maintained that, under certain

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33 Durandus, in reality, may not actually belong in this list. See above, chapter 3, pp. 118-21.

34 Suárez, *De triplici virtute theologica*, tract. 1, disp. XII, sect. iv, 5, 351: “His positus, est prima sententia affirmans in hoc tempore legis novae, fidem Christi explicitam esse medium necessarium ad salutem ultimam et justificationem. Haec opinio tribui solet divo Thomae 2.2, q. 2, a. 7. Sed ibi solum dicit ad hanc fidem explicitam obligari omnes in lege gratiae. Quod satis intelligi potest ratione praecepti; eadem insinuat in 3, d. 25, q. 2, a. 1, quaestiuncula prima, ad secundum, quatenus ait, si is, cui non est praedicatum Evangelium, faciat quod in se est, fore illuminandum, etiam quoad fidem Christi explicitam, quod non est verisimile, nisi supponendo illud esse medium necessarium simpliciter ad salutem; et eodem modo videtur ibi locutus Durandus, q. 1, n. 9; et Gabriel, a. 2, concl. 3, per totam [...]”

35 Ibid., 9, 352: “Secunda opinio distinguit inter justificationem et glorificationem, dicitque ad justitiam non esse necessariam fidem explicitam Christi, sed implicitam sufficere, etiam tempore legis gratiae; nihilominus tamen neminem adipisci gloriam, priusquam fidem explicitam Christi consequatur; atque, hanc fidem ita esse medium necessarium ad glorificationem. Haec opinionem tenet Cano in *Relectione de sacramentis in genere*, part. 2 [...] Eadem sententiam tenet Banh. 2.2 q. 2, a. 8, dub. ult. [...] et maxime utitur haec opinio exemplo Cornelii, nam justificari potuit cum fide Christi tantum implicita; attamen quia ad vitam aeternam consequendam illi non sufficiebat, missus est ad illum Petrus; ergo signum est fidem explicitam, hoc tempore, esse necessariam ad vitam aeternam, etiamsi praecedat justificatio.”

circumstances, implicit faith alone is even now sufficient for salvation. According to the Doctor Eximius, this assertion is based on the conclusion that, prior to the advent of Christ, implicit faith in him could have lead *viatores* to salvation. Furthermore, there is insufficient reason to assume that this state of affairs has formally and irrevocably changed.<sup>36</sup>

Of these three opinions, Suárez opts for the first. Yet, his insistence that “under the Evangelical Law” explicit faith in Christ is always and invariably necessary, both with regard to justification and glorification, is significantly amended by his assertion that such faith may be had either as a matter of fact (*in re*), or virtually, in the form of a pledge (*in voto*).<sup>37</sup> To clarify this statement, Suárez draws a parallel with the sacrament of baptism: although baptism is a necessary precondition for salvation, the long-established theological consensus was that under certain circumstances, e.g., the absence of a priest in an emergency, baptism *in voto* was fully equal to the actual sacrament.<sup>38</sup> Hence, in the absence of qualified preachers and when suffering from invincible ignorance of proper doctrine, “virtual” explicit faith could substitute for “actual” explicit faith.

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36 Ibid., 10, 353: “Tertia opinio affirmat fidem implicitam Christi, posse etiam nunc sufficere in aliquo casu ad justitiam consequendam, ac proinde fidem explicitam Christi, quae in re ipsa obtinebatur et praecedebat, non esse medium simpliciter necessarium; idemque sentit de ultima salute. Hanc opinionem tenuit Soto, in 4 d. 5, q. 2, et lib. 2 *De natur. et grat.*, c. 11 et 12 [...] Corduba, in *Quaestionario*, lib. 2, q. 5, in 2. assert. [...] Fundamentum hujus sententiae est, quia haec fides de se est medium ad utramque salutem, et non datur sufficiens fundamnetum, quod ostendat et limitatum et coarctatum esse per Christum hoc medium ad fidem explicitam; ergo non est id asserendum.”

37 Ibid., 18, 357: “Dico [...]: nihilominus dicendum est fidem explicitam Christi, per se loquendo, esse necessarium omnibus et singulis in statu legis evangelicae, ad utramque salutem. Unde etiam dici potest medium necessarium, quamvis non semper in re, sed vel in re vel in voto.”

38 Ibid., 20, 357-58: “Atque hic tandem confirmari hoc potest ex aequiparatione inter hanc fidem et baptismum. Nam utriusque necessitas est ex institutione; ergo sicut in baptismo intelligitur in re vel in voto, ita etiam in fide explicita debet intellegi.” Cf. Francisco Suárez, *De sacramentis*, disp. XXVII, sect. ii, 2, in *Opera omnia*, vol. 20, pp. 471-72: “Dicendum ergo est primo, ad obtinendam primam gratiam et remissionem originalis peccati, et actualium, quae cum ipso conjuncta fuerint, non esse necessarium semper baptismum in re ipsa suscipere, sed sufficere contritionem, baptisimi votum in se continentem. In has assertione conveniunt omnes theologi, tanquam in re omnino certa [...]”

These findings, naturally, cast doubt on the guilt of involuntary, non-apostate unbelievers. Regarding them, Suárez points out that, in order to be a sin, the absence of Christian faith must be voluntary.<sup>39</sup> In other words, only positive, willful unbelief is a sin, while negative unbelief, as found among those “who have heard nothing whatsoever of the faith,” is entirely excusable.<sup>40</sup> Suárez likewise concludes, citing Vitoria, that infidels “who have heard something of the faith,” albeit without sufficient explanation, may be excused sometimes from guilt, although “more often” they should not.<sup>41</sup>

Suárez thus argues that negative unbelievers may be excused from having any real, *actualized* faith, either implicitly or explicitly. After all, because such infidels could very well suffer from invincible ignorance of the entire Christian faith – not only those articles exclusively knowable through revelation, but also those accessible to human reason – they might even be excused, the Doctor Eximius notes, from believing in the most central element of Christian religion, namely God’s very existence.<sup>42</sup>

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39 Ibid., disp. XVII, sect. i, 1, p. 423: “Quamvis infidelitas ex suo genere peccatum sit, ut diximus, nihilominus in re ipsa potest aliquando a peccato excusari, si voluntas desit, quia, ut supra etiam diximus, infidelitas, ut sit peccatum, voluntaria esse debet [...]”

40 Ibid., 7, 425: “Dico ergo primo, in illis infidelibus, qui nullum omnino auditum sensibilem fidei habuerunt, infidelitatem esse negativam, et cum excusatione a culpa, regulariter et ordinarie loquendo, seu quantum ex lege communi nobis constare potest.”

41 Ibid., 9, 426: “Dico secundo: illi infideles, qui aliquid de fide nostra audierunt sine sufficienti tamen propositione, et in sua infidelitate permanent, interdum excusari potuerunt a culpa, aliquando vero et saepius non potuerunt. Hanc assertionem latius et per plures conclusiones tradit Victoria, in dicta relectione *De Indis* [...]”

42 Ibid., sect. ii, 1-3, 429: “Supponimus, ex dictis in superioribus, duas esse partes materiae fidei, unam supernaturalem omnino, quae nisi per revelationem cognosci non potest, ut mysteria Trinitatis, Incarnationis, et caetera superioris ordinis; aliam vocamus naturalem, quia per rationem naturalem cognosci potest, *ut Deum esse*, et similia. [...] Dicendum [...] est huiusmodi homines excusari a propria culpa infidelitatis contra praeceptum fidei, etiam ut cadit in hanc materiam naturalem. Haec assertio sequitur evidentem ex dictis in sectione praecedenti; quia isti homines habent ignorantiam invincibilem totius revelationis fidei, non minus ut est de veritatibus naturalibus, quam ut est de supernaturalibus; ergo etiam habent ignorantiam invincibilem totius praecepti supernaturalis fidei; ergo excusantur a culpa propriae infidelitatis circa totam materiam fidei, non tantum supernaturalem, *sed etiam naturalem* [emphases mine].”

Additionally, like Vitoria, Suárez finds that infidels are able to engage in good works: the apparent absence of a proper final cause, i.e., God, would not, as Gregory of Rimini had maintained, turn any act into a sin.<sup>43</sup> Negative unbelievers, therefore, are excused from guilt on account of their unbelief, are furthermore able to perform morally good acts, and, according to Suárez, are not even required to have implicit faith, but instead could earn salvation through “virtual” explicit faith.

Hence, regarding the problem of infidel salvation, Suárez, thanks to his innovative concept of “explicit faith *in voto*,” takes up what seems a significantly more radical position than the one defended, for example, by either Soto or Córdoba. The latter, after all, had both required that there be an actual faith, which, despite its imprecision, must be currently present in the *viator*. The Doctor Eximius, by contrast, thought it sufficient for negative unbelievers to have acquired a heartfelt, yet unactualized, desire to believe explicitly.

One critical problem, however, that Suárez unfortunately fails to imagine, let alone address and solve, is how, exactly *viatores* could desire or pledge explicit faith, while remaining invincibly ignorant of the very existence of the object of their promise. In this regard, at least, the solution of the Doctor Eximius is incomplete.

We may now briefly summarize Suárez’ conclusions. He finds that invincible ignorance of the natural law and even, albeit for a short time, the Decalogue, is indeed possible. Moreover, in judging apparent violations of the natural law, God takes into account the circumstances surrounding the act – the underlying intention of which may not be as

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43 Ibid., sect. iii, 1-3, 432-33: “Est igitur prima sententia docens omnia opera infidelium esse peccata. Ita tenuit Gregorius, in 2, d. 39, q. 1, a. 2, corol. 3 [...] Contraria sententia communis est theologorum [...] Potestque imprimis probari ex Scriptura, quia excitat infideles ad aliqua opera de se bona, ut Daniel quarto: ‘Peccata tua eleemosynis redime;’ ergo supponit posse ab illis fieri sine peccato; non enim Spiritus Sanctus homines ad peccandum invitaret. Et aliis locis laudat aliqua opera infidelium [...] Haec sententia [communis] non solum vera, sed etiam certa est [...]”

initially appears, as Suárez notes. As a specific example, Suárez claims that the intended sacrifice of Isaac did not emerge from an illicit desire to commit murder, but rather from Abraham's rightful obedience to a divine command that was justly given. Hence, an external condition such as a divine command or invincible ignorance on the part of the actor, could transform an apparent violation of the natural law into an entirely licit deed. For Suárez, God could also remove the necessity to obey a natural law-precept by introducing additional hindrances. In this way, the absence of preachers could therefore remove the obligation to believe in and correctly worship God.

In addition to invincible ignorance of the natural law, Suárez also accepted the possibility of such ignorance of the Christian faith. Even more significant was his further argument that negative unbelievers could earn salvation without possessing any real, actualized faith whatsoever. If geographical circumstances had prevented any knowledge of the Christian message, God would be fully satisfied with an explicit faith *in voto*, rather than *in re*. In other words, depending on the exact situation, Suárez did not consider negative unbelief an insurmountable obstacle to salvation.

The consequences of these views are manifest. Like Vitoria, Soto and Córdoba before him, Suárez successfully countered the argument that the American natives were of necessity immoral. Rather, some Indians could even be sufficiently worthy of salvation. Suárez' writings therefore offered additional support for the position that indiscriminate punishment in the name of morality, especially by such exceedingly destructive means as conquest and war, must be considered inappropriate for dealing with the Indians' remaining moral shortcomings.

*Aeterni patris* and the Anti-Modernist Reaction

As had Vitoria and Soto, Suárez treated Aquinas as his foremost theological authority. Nevertheless, all three theologians felt justified in incorporating voluntarist and, broadly speaking, nominalist elements in their theologies. Sixteenth-century Thomism, we may therefore conclude, was not “dogmatic,” if by that we mean that partially conflicting ideas from other theological traditions were always excluded and rejected. I would argue, moreover, that – unless Sepúlveda’s extremely negative appraisal of the American Indians were to be accepted – adjustments in the original Thomist worldview had to be made. The world of the sixteenth century, after all, was not quite the same as its thirteenth-century counterpart. Many new insights had been gained about its Creator; and theological conclusions had to be revised accordingly.

Once the discovery of the New World had revealed a greater variety and complexity of divine arrangements, adopting a voluntarist worldview that stressed God’s freedom and the contingency of the existing order increasingly made sense. This is precisely what Vitoria, Soto and Suárez did, without, however, entirely adopting voluntarism as such. Instead, these theologians succeeded in incorporating a voluntarist view of the created world into an intellectualist framework. Their venture would achieve success because – contrary to established wisdom – voluntarist and intellectualist theologies are not radically and diametrically opposed. Practically speaking, no serious theologian could maintain “pure” intellectualism or voluntarism, as this would lead either to the destruction of free will or the rejection of divine rationality.

Yet, historians have largely overlooked the influence of voluntarist ideas on Vitoria, Soto, and Suárez because of a predominant Neo-Thomistic bias in the modern

historiography regarding medieval and early-modern scholasticism. Most of the existing historiography expresses a structural, if latent, hostility to both voluntarism and nominalism. To explain this antipathy, we must recall the nineteenth-century political and social context from which the modern study of medieval philosophy emerged.

The pontificate of Pius IX (1846-1879) is a suitable starting point for our investigation. The unexpected election, at the eve of the Liberal Revolution, of Giovanni Maria Mastai-Ferretti as Pius IX, famously caused the Austrian chancellor and “arbiter of Europe” Metternich, to exclaim that he had allowed for everything except the possibility of a liberal pope.<sup>44</sup> Pius’ liberalism, such as it was, however, did not survive the overthrow of his government and the institution of a short-lived Roman Republic (1849), led by, among others, the Italian revolutionary Giuseppe Mazzini. These events turned Pius from a liberal pope into a champion of reaction. In 1864, therefore, Pius issued his *Syllabus of Errors*, listing a set of condemned propositions collected from a number of earlier papal documents. One such error singled out for condemnation was that the pope “can and must reconcile himself with, and agree to, progress, liberalism and modern culture.”<sup>45</sup> Pius, obviously, believed otherwise.

Pius’ successor, Leo XIII (1879-1903), while a young student at the Jesuit *Collegio Romano*, had been initiated into a secret circle of Neo-Thomists by Luigi Taparelli d’Azeglio. Although Taparelli had been rector of the *Collegio* since 1824, various institutional intrigues

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44 See e.g. Edward E. Y. Hales, *Pio Nono. A Study in European Politics and Religion in the Nineteenth Century* (New York 1954), 19.

45 Pius IX (Pope), *Syllabus errorum*, in Heinrich Denzinger, *Enchiridion symbolorum definitionum et declarationum de rebus fidei et morum* (37th ed; Freiburg im Breisgau, etc 1991), 2901-80: 2980: “Romanus Pontifex potest ac debet cum progressu, cum liberalismo et cum recenti civilitate sese reconciliare et componere.”

prevented him from advocating a full-fledged return to medieval scholasticism.<sup>46</sup> After Leo's election, however, the balance of power naturally shifted; and the new pope combined his aversion to modernity with an enthusiastic appeal to Thomism.

Once elected, one of Leo's earliest acts was to issue the encyclical *Aeterni patris*, which, besides being a call to return to the fruitful labors of Aquinas, was an attempt to combat various ideas associated with the Enlightenment, the French Revolution, liberalism, and modernity in general.<sup>47</sup> Contemporary political and social upheavals, Leo maintained, were caused by "false conclusions concerning divine and human things," which had been promoted by the modern "schools of philosophy." These falsehoods had now "spread throughout society" and had been accepted by "the common consent of the masses."<sup>48</sup> The underlying cause of these problems, Leo declared, had emerged as early as the sixteenth century:

For it pleased the striving innovators of the sixteenth century to philosophize without showing sufficient deference to the faith [...]. Hence, it was all but inevitable that systems of philosophy multiplied beyond measure; and that diverging and conflicting opinions emerged, regarding even the most crucial subjects of human knowledge. From such a multitude of opinions, very often follow hesitations and doubts; and, as all know, doubt easily leads to error.<sup>49</sup>

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46 FitzPatrick, "Neoscholasticism," 839-41.

47 As suggested by FitzPatrick throughout the article mentioned in the preceding footnote. Not coincidentally, when Pope Pius X, in early 1907, felt threatened by various forms of "Catholic liberalism," he reacted by reminding Catholic universities of the continuing validity of the prescriptions of *Aeterni patris*. See: Pierre Jaccard, "La renaissance de la pensée franciscaine," *Revue de théologie et de philosophie* 18 (1930), 103-31, 207-33: 222.

48 Leo XIII (Pope), "Aeterni patris," *Acta sanctae sedis* 12 (1879), 97-115: 97: "Si quis in acerbiter nostrorum temporum animum intendat, earumque rerum rationem, quae publice et privatim geruntur, cogitatione complectatur, is profecto comperiet, fecundam malorum causam, cum eorum quae premunt, tum eorum quae pertimescimus, in eo consistere, quod prava de divinis humanisque rebus scita, e scholis philosophorum iampridem profecta, in omnis civitatis ordines irrepserint, communi plurimorum suffragio recepta."

49 Ibid., 111: "Adnitentibus enim Novatoribus saeculi XVI, placuit philosophari citra quamquam ad fidem respectum, [...] Qua ex re pronum fuit, genera philosophiae plus aequo multiplicari, sententiasque diversas



To avoid the errors of modern philosophy, Leo advocated a return to the scholasticism of the Middle Ages. He reminded his audience, moreover, that of all the medieval scholastics Aquinas had been by far the greatest.<sup>50</sup> Hence, contemporary “domestic and civil society,” currently threatened by “the plague of perverse opinions,” would be both “more peaceful and secure,” Leo maintained, if even now the more wholesome doctrine of Aquinas were taught in the academies and schools.<sup>51</sup> Aquinas, after all, taught “true liberty,” while the secular liberalism then so much in vogue endangered the peaceful order of things, as well as public safety, by questioning such sound principles as the divine origin of all authority, the paternal and just rule of princes, and obedience to the higher powers. In short, Leo’s return to Thomism was an attempt, both deliberate and explicit, to combat and defeat the forces of modern, nineteenth-century liberalism.<sup>52</sup>

Although Aquinas, of course, was a Dominican, the nineteenth- and twentieth-century aversion to scholastics such as Scotus and Ockham cannot be satisfactorily explained by the fact that the latter two belonged to the Franciscan Order. Leo XIII, while citing his

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atque se pugnantes oriri etiam de iis rebus, quae sunt in humanis cognitionibus praecipuae. A multitudine sententiarum ad haesitationes dubitationesque persaepe ventum est: a dubitationibus vero in errorem quam facile mentes hominum delabantur, nemo est qui non videat.”

50 Ibid., 108: “Iamvero inter Scholasticos Doctores, omnium princeps et magister, longe eminent Thomas Aquinas [...]”

51 Ibid., 113: “Domestica vero, atque civilis ipsa societas, quae ob perversarum opinionem pestem quanto in discrimine versetur, universi perspicimus, profecto paciatur multo et securior consisteret, si in Academiis et scholis sanior traderetur, et magisterio Ecclesiae conformior doctrina, qualem Thomae Aquinatis volumina complectuntur.”

52 Ibid.: “Quae enim de germana ratione libertatis, hoc tempore in licentiam abeuntis, de divina cuiuslibet auctoritatis origine, de legibus earumque vi, de paterno et aequo summorum Principum imperio, de obtemperacione sublimioribus potestatibus, de mutua inter omnes caritate; quae scilicet de his rebus et aliis generis eiusdem a Thoma disputantur, maximum atque invictum robur habent ad evertenda ea iuris novi principia, quae pacato rerum ordini et publicae saluti periculosa esse dignoscuntur.”

predecessor Sixtus V, labeled the Franciscan Bonaventure a “glorious doctor.”<sup>53</sup> Significantly, the Franciscan “renaissance” of the nineteenth century – presumably as reactionary as its Thomist counterpart – focused primarily on Bonaventure, despite the long-standing tradition of seeing Scotus as the foremost doctor of the Franciscan Order. *Aeterni patris* only strengthened the tendency among nineteenth-century Catholics to deem the thought of Bonaventure considerably more acceptable than the ideas of Scotus.<sup>54</sup>

In the wake of *Aeterni patris*, Neo-Thomists renewed their customary attacks on Scotism, while Scotus himself, the Doctor Subtilis, was mocked as “le Docteur Trop Subtil.”<sup>55</sup> Several Neo-Scotists of the early twentieth century reacted by overstating the similarities between Scotus and Aquinas. Scotus, supposedly, had been a better Thomist than the Thomists of the Dominican school! The Subtle Doctor, it was furthermore reported, fit in perfectly with the tradition established by such unsuspect thinkers as Augustine, Anselm and Bonaventure.<sup>56</sup>

Yet, in notable contrast to Bonaventure and Aquinas, Scotus had been a voluntarist. By focusing on Bonaventure, or through drawing parallels between Scotus and Aquinas, the voluntarist aspects of the theology of the Franciscan school were deemphasized. The preceding chapters of this study may suggest why proponents of nineteenth-century reactionary thought would be so inclined.

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53 Ibid., 107: “Praedecessoris nostri, Sixti V fusius aperire: ‘[...] Theologia scholastica, quam duo potissimum gloriosi Doctores, angelicus s. Thomas et seraphicus s. Bonaventura, clarissime huius facultatis professores... excellenti ingenio, assiduo studio, magnis laboribus et vigiliis excoluerunt atque ornarunt, eamque optime dispositam, multisque modis praeclare explicatam posteris tradiderunt.’”

54 Jaccard, “La renaissance de la pensée franciscaine,” 208.

55 Ibid., 112ff and 127.

56 Ibid., 129.

Scotus' voluntarism, and even more the worldview resulting from it, had allowed the argument that invincible ignorance could be had of what Aquinas had taken as inescapable and immutable truths. Accordingly, those theologians who accepted the voluntarist worldview, even if they did not subscribe to voluntarism itself, had been forced to acknowledge the impossibility, in practical terms, of all human beings living up to a single, immutable moral and intellectual standard. In other words, they replaced Aquinas' notion of an absolute, metaphysical good, with variable standards, depending on the specific circumstances of the individual *viator*. Thus, a human measure came to replace the eternal, divinely-instituted precept, which had ostensibly been reflective of the immutable divine intellect.

This anthropocentrism of placing the human individual at center stage, which ultimately, if inadvertently, resulted from Scotus' voluntarism, contrasted sharply with the Neo-Thomist program. We may further illustrate this conclusion, using the writings of the prominent twentieth-century French scholar and Neo-Thomist Jacques Maritain (1882-1973). Maritain combined a severely negative appraisal of Scotus and Ockham and, to some extent, Suárez as well, with a profound distaste of modernity. According to Maritain, the aforementioned theologians had destroyed Thomist metaphysics; and hence, the years following the end of the Middle Ages had seen nothing but the "agony and death of Christianity." The combination of Renaissance, Reformation, Enlightenment and French Revolution had amounted, Maritain claimed, to the virtual destruction of "Christian society." In particular, the pernicious ideas of Luther, Descartes and Kant had, "in three great steps," isolated modern individuals from the realm of the supernatural.<sup>57</sup>

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<sup>57</sup> Jacques Maritain, *Antimoderne* (Paris 1922), 137, 198-99.

Maritain further believed, as argued in his *Humanisme intégral*, that classical humanism, because it is anthropocentric, is not actually humanism at all.<sup>58</sup> “True” humanism, by contrast, is theocentric humanism; and it was the “false,” anthropocentric humanism that was responsible for both Renaissance and Reformation.<sup>59</sup> Anthropocentric humanism, moreover, must eventually lead to a barren and destructive atheism, according to Maritain.<sup>60</sup> Modern liberalism, being a product of anthropocentric humanism, is likewise empty and barren. Only Christianity is able to guarantee and protect human freedom.<sup>61</sup> The implication is obvious: human values and behavior should always be judged according to theocentric rather than anthropocentric standards

This assumption probably underlies some of the Neo-Thomist aversion to Kant’s philosophy. In addition to its presence in the writings of Maritain, a similar hostility may be found in the work of Maurice de Wulf (1867-1947), a prominent and early Neo-Thomist scholar of medieval philosophy.<sup>62</sup> Although Kant did not consider religion worthless, a central element of his ethics was his claim that the “supreme practical principle,” or the “categorical imperative for the human will” dictates that human beings should act in such a way that humanity, either one’s own, or that of any other person, is always treated as an end

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58 Jacques Maritain, *Humanisme intégral* (Paris 1936), 32ff.

59 Ibid., 35ff.

60 Ibid., 42-44.

61 Ibid., 170-72.

62 See e.g. Maurice de Wulf. *An Introduction to Scholastic Philosophy, Medieval and Modern [Scholasticism Old and New]*, transl. P. Coffey (Dublin 1907; reprint New York 1956; original French edition: Louvain and Paris 1904), 260-61.

in itself, never merely as a means.<sup>63</sup> Kant's ethics, therefore, is wholly anthropocentric: the ultimate purpose of all ethical action is to further the interests of humanity, rather than God.

Some elements of an anthropocentric ethics, however, preceded Kant. They were already present in the ethical thought of those theologians whose worldviews had been influenced by Scotus' voluntarism. Although Vitoria, Soto, Córdoba and Suárez still subscribed to a theocentric system of ethics, according to which salvation remained the ultimate goal, their standards employed for judging human behavior had become, practically speaking, anthropocentric. These standards were seen, after all, as varying according to an individual's knowledge, education and intellectual capability. Most importantly, even if the aforementioned theologians posited a fixed, theocentric "moral minimum," their requirements, e.g., "implicit faith" or "explicit faith *in voto*," were so vague that it was all but impossible to determine whether a *viator* adhered to these obligations or not. As a result, the morality of (infidel) wayfarers could only be judged relative to their specific, human condition, instead of by some universal, immutable, and divine standard.

This development had significant implications. First, it called into doubt the universal applicability of revealed law. Hence, it became questionable whether the authoritative pronouncements of the Church, made in its capacity as final interpreter of revelation, should always have priority; and, more generally, whether the Church was indeed, as claimed, an infallible arbiter of right and wrong.

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63 Immanuel Kant, *Grundlegung zur Metaphysik der Sitten*, in Ernst Cassirer ed., *Immanuel Kants Werke*, vol. 4 (Berlin 1922), 241-324: 287: "Wenn es denn also ein oberstes praktisches Prinzip und in Ansehung des menschlichen Willens einen kategorischen Imperativ geben soll, so muß es ein solches sein, das aus der Vorstellung dessen, was notwendig für jedermann Zweck ist, weil es Zweck an sich selbst ist, ein objektives Prinzip des Willens ausmacht, mithin zum allgemeinen praktischen Gesetz dienen kann. [...] Der praktische Prinzip wird also folgender sein: 'Handle so, daß du die Menschheit sowohl in deiner Person, als in der Person eines jeden andern, jederzeit zugleich als Zweck, niemals bloß als Mittel brauchest.'"

Second, although anthropocentric moral standards, when combined with an avowed theocentric purpose of human life, would not lead inevitably to secular liberalism, the expected result would still be an ideology along the lines of liberal Catholicism. The Catholic hierarchy of the late-nineteenth and early-twentieth centuries, however, as illustrated by the official condemnation of the “modernist” tendencies among the Italian clergy in 1905 and 1906, saw dangers in both liberalism *and* liberal Catholicism.<sup>64</sup> Liberal Catholicism, in any case, would hardly have fitted in with the then-dominant philosophy of ultramontaniam.

Since Scotus’ voluntarism could, and, as matter of fact, *did* lead to conclusions at odds with the anti-liberal and counter-revolutionary program of Pius IX and his successors, we should not be surprised to find an anti-voluntarist bias in the contemporary historiography of medieval philosophy. For that historiography was not composed by neutral, disinterested scholars, but had the explicit purpose of furthering reactionary political goals.

The traditional narrative dealing with the development of scholastic philosophy, with Aquinas at its summit, followed by a precipitous decline, was, as John Inglis has recently pointed out, essentially invented by the German scholars Joseph Kleutgen (1811-1883) and Albert Stöckl (1823-1895). “Kleutgen and Stöckl,” Inglis argues, “wrote their history of medieval philosophy as a contribution to a conservative political and ecclesiastical agenda.”<sup>65</sup>

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64 For a semi-official perspective on the modernist crisis of the early nineteenth century, see Arthur Vermeersch, “Modernism,” in *The Catholic Encyclopedia*, vol. 10 (New York 1911); (2 Jun. 2010), URL = <<http://www.newadvent.org/cathen/10415a.htm>>. As mentioned in n. 47 above, Pope Pius X reacted to this crisis by, among other things, reminding all Catholics of the continuing validity of the Neo-Thomist program, as put forth in *Aeterni patris*.

65 John Inglis, *Spheres of Philosophical Inquiry and the Historiography of Medieval Philosophy* (Leiden, etc. 1988), 11.

Their agenda, of course, was to combat the ideas of the French Revolution and “disordered” liberalism.<sup>66</sup>

Somewhat later, at the beginning of the twentieth century, the standard synthesis outlining the history of medieval philosophy was Maurice de Wulf's *Histoire de la philosophie médiévale*, which was published in six editions between 1900 and 1946. Like Kleutgen and Stöckl before him, De Wulf placed the intellectualist Aquinas at the apex of the scholastic edifice, while condemning later scholastic theologians for excessive hair-splitting.<sup>67</sup> More importantly, De Wulf saw scholasticism as a viable alternative to the destructive forces of modernity, i.e., the “godless tenets of liberalism and socialism.”<sup>68</sup> He enthusiastically embraced the program put forth in *Aeterni patris* and was a driving force behind the establishment and subsequent success of a special institute at the Catholic University of Louvain, the *Institut supérieur de philosophie*, specifically dedicated to the study of scholastic philosophy.<sup>69</sup>

These observations suggest that much of the negative appraisal of voluntarism and other non-Thomist schools of thought can be explained by the potential implications of a voluntarist theology, which, unforeseen by its initial adherents, came into conflict with the illiberal and anti-modern papal programs of the late nineteenth and early twentieth centuries. Perhaps it is not altogether a coincidence that the initial revaluation of voluntarism and nominalism in the historiography of medieval philosophy mostly occurred simultaneously

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66 Ibid., e.g. 66, 118.

67 De Wulf. *An Introduction to Scholastic Philosophy*, 145ff.

68 Ibid., 316.

69 Ibid., 263ff.

with, or just prior to, Vatican II, the period during which the Catholic Church, not altogether successfully, attempted to come to terms with modern times.<sup>70</sup>

### Conclusion

Having reached the very end of our discussion, we may, briefly, summarize the preceding chapters as follows. Although the theological concept of invincible ignorance is much older, it was only in the late thirteenth century that the possible considerations of such ignorance came to encompass the basic tenets of the Christian faith and, later still, the natural law. This shift, which would have momentous implications for the manner of Spanish interaction with their Indian subjects in the New World, had been caused by a growing tendency among theologians to stress God's freedom and the contingency of the present order. Initially, at least, this tendency, as illustrated by the case of Scotus, emerged from a voluntarist theology.

In subsequent centuries, however, non-voluntarists sometimes co-opted the voluntarist worldview, without necessarily adopting voluntarism as such. Yet, these particular non-voluntarist theologians, at the very least, accepted and promoted an obligational theology, with the result that infidels suffering from invincible ignorance were no longer necessarily thought to be denied salvation. As a consequence, those who are potentially worthy in the eyes of God should not be punished by other human beings for offenses against God. On the other hand, as, for instance, where such practices as human sacrifice were concerned, they might still be licitly punished for offenses against their fellow human

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<sup>70</sup> Perhaps significantly, the apostolic constitution *Gaudium et spes*, promulgated on the very last day of the Second Vatican Council, was once described by then-Cardinal Ratzinger as "a sort of counter-Syllabus [of Errors]." See Joseph Kardinal Ratzinger, *Theologische Prinzipienlehre. Bausteine zur Fundamentalthologie* (Munich 1982), 398.



beings. Thus, obligatory theology caused much of the moral justification for conquering and enslaving the American natives to disappear.

At this point, we should also explore some of the wider, still relevant implications of the “Spanish struggle for justice” in the New World. This struggle in general, like the Valladolid debate in particular, essentially concerned the question whether fallible humans should judge the morality of their fellow human beings according to fixed, theocentric standards, or flexible, anthropocentric ones. It is perhaps one of the greater historical ironies that Sepúlveda, who opted for theocentrism, is invariably described as a humanist, while Las Casas and, for example, Vitoria, who both wished to judge according to anthropocentric standards, are generally portrayed as good, orthodox Thomists.

Yet more significantly, theologians who defended the possibility of native Americans suffering invincible ignorance of both natural and divine law consequently also declared themselves, of necessity, incapable to *always* accurately judge another individual’s morality. After all, it is most often quite impossible to determine whether someone else’s ignorance is vincible or invincible. Because of this inability to judge with certainty, as well as the resulting incertitude, non-interference came to be seen as a lesser evil and the safer course of action.

Differently put, theologians such as Vitoria, Soto, Córdoba, and Suárez decided that even if good and evil were still absolute on a metaphysical level, this was no longer the case in the real world. As a result, metaphysics could no longer offer reliable guidelines for proper courses of action on this earth. Hence, to all practical intents and purposes, metaphysical truths became inaccessible with regard to *particular* cases, on account of human incertitude surrounding actual, earthly circumstances. Accordingly, these theologians (perhaps with the exception of Suárez) stressed the importance of practical reason, i.e., prudence, over and above universal, “scientific” reason, as the foremost tool for discovering moral truths.

As we have seen throughout this study, the replacement of universal, metaphysical conceptions of good and evil with particular, anthropocentric counterparts contributed to a moderation of official Spanish policy beneficial to the American Indians. More precisely, the (partial) abandonment of metaphysical speculation as the preferred tool in formulating Spanish policy, in favor of a more anthropocentric approach, would limit, but not eliminate, violent excesses and Indian suffering.

Perhaps the lesson we should take away from all this is that metaphysical absolutes rarely constitute an appropriate basis for organizing a just society, but tend to promote violence, oppression and suffering instead. We have seen this, for instance, in Sepúlveda's brutal determination to root out Indian unbelief. Excessive trust in so-called "timeless truths," however, is hardly the exclusive domain of theology. Marxism and National-Socialism, to name but two destructive ideologies, likewise have been the inspiration for violent oppression, precisely because of their blatant disregard for the actual, human condition. Neither the reputed desirability of a workers' paradise, nor the supposed superiority of a particular "race," after all, have ever been shown to match the reality of the actual, physical world.

If, then, we would like to maintain the notion of a universal morality, it would be best to base such a system on solid, anthropocentric foundations. This, of course, is just what promoters of *human* rights theories have been doing over the last few centuries. Considering the great, historical benefits of this approach, we would do well to emulate and continue their project.

## BIBLIOGRAPHY

Primary Sources I (authors born before 1650)<sup>1</sup>

*Acta capitulorum generalium Ordinis Praedicatorum*, ed. B.M. Reichert, 2 vols, Monumenta Ordinis Fratrum Praedicatorum Historica 3-4 (Rome 1889-99).

Alexander Neckham, *De naturis rerum*, ed. T. Wright, Rolls Series 34 (London 1863).

Alfonso de Castro, *Utrum indigenae novi orbis instruendi sint in mysteriis theologicis et artibus liberalibus*, ed. Juan B. Olaechea Labayen, "Opinion de los teólogos Españoles sobre dar estudios mayores a los Indios," *Anuario de estudios Americanos* 15 (1958), 113-200.

Antonio de Córdoba, *Quaestionarium theologicum* (Toledo 1578; reprint Venice 1604).

Aristotle, *Categoriae* (transl. William of Moerbeke), ed. Laurentius Minio-Paluello, *Aristoteles Latinus*, vol. 1 (Bruges and Paris 1961).

---, *Analytica Posteriora* (revised transl. by William of Moerbeke), ed., Bernardus G. Dod, *Aristoteles Latinus*, vol. 4 (Bruges and Paris, 1968), 283-343.

---, *Ethicorum Nicomacheorum* (transl. Robert Grosseteste: *Recensio pura*), ed. Renatus Antonius Gauthier, *Aristoteles Latinus*, vol. 26, pt. 3, (Leiden and Brussels 1972).

---, *Physica*, ed.-transl. Philip H. Wicksteed and Francis M. Cornford, Loeb Classical Library, 2 vols (Cambridge, MA and London 1929-34).

---, *Politica* (transl. William of Moerbeke), ed. Petrus Michaud-Quantin, *Aristoteles Latinus*, vol. 29, (Bruges and Paris 1961).

Augustine, *Epistolae*, PL, vol. 33.

Bartolomé de Las Casas, *De unico vocationis modo omnium gentium ad veram religionem*, ed. Paulino Castañeda Delgado and Antonio García del Moral, OP, *Obras completas*, vol. 2 (Madrid 1988).

---, *Apologia*, ed. Ángel Losada, *Obras completas*, vol. 9 (Madrid 1988).

---, *Brevísima relación de la destrucción de las Indias*, ed. Ramón Hernández OP, *Obras completas*, vol. 10, (Madrid 1992), 29-94.

*Digesta*, eds. Theodor Mommsen and Paul Krüger, *Corpus iuris civilis*, vol 1 (20th ed; Dublin and Zürich 1968).

Domingo de Soto, *De natura et gratia* (Paris 1549; reprint Ridgewood, NJ 1965).

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<sup>1</sup> As is the convention among medievalists, authors are listed alphabetically by their first name.

- , *In quartum Sententiarum*, 2 vols (Salamanca 1557-60; reprint Salamanca 1581).
- , *De iustitia et iure libri decem = De la justicia y del derecho en diez libros*, eds. Venancio Diego Carro, and Marcelino Gonzalez Ordóñez, 5 vols (Madrid 1967-1968).
- Durandus de St. Pourçain, *In Petri Lombardi sententias theologicas commentatorium libri IIII*, 2 vols (Venice 1571; reprint Ridgewood, NJ 1964).
- Francisco de Vitoria, *Comentarios a la Secunda secundae de Santo Tomás*, ed. Vicente Beltrán de Heredia, 6 vols (Salamanca 1932-1952).
- , *De lege (1, 2 qq. 90-108)*, in *Comentarios a la Secunda secundae de Santo Tomás*, ed. Vicente Beltrán de Heredia, vol. 6 (Salamanca 1952), 411-93.
- , *De quod ad homo tenetur cum primum venit ad usum rationis*, in *Obras de Francisco de Vitoria. Relecciones teologicas*, ed. Teofilo Urdanoz (Madrid 1960), 1302-75.
- , *Relectio de Indis, o libertad de los Indios*, ed. L. Pereña and J.M. Perez Prendes, *Corpus Hispanorum de pace*, vol. 5 (Madrid 1967).
- , *Relection on Homicide and Commentary on Summa theologicae IIa-IIae Q. 64*, ed.-transl. John P. Doyle (Milwaukee 1997).
- Francisco Suárez, *Opera omnia*, ed. Louis Vivès, 28 vols (Paris 1856-1878).
- , *De voluntario et involuntario in genere, deque actibus voluntariis in speciali*, in *Opera omnia*, vol. 4 (Paris 1856), 157-274.
- , *De vitiis et peccatis*, in *Opera omnia*, vol. 4 (Paris 1856), 513-628.
- , *De legibus ac deo legislatore*, in *Opera omnia*, vols. 5-6 (Paris 1856).
- , *De triplici virtute theologica, fide, spe, et charitate*, in *Opera omnia*, vol. 12 (Paris 1858).
- , *De sacramentis*, in *Opera omnia*, vol. 20 (Paris 1860).
- Gabriel Biel, *Canonis misse expositio*, eds. Heiko A. Oberman and William J. Courtenay, 5 vols (Wiesbaden 1963-1976).
- , *Collectorium circa quattor libros Sententiarum*, eds. Wilfridus Werbeck and Udo Hoffmann, 4 vols (Tübingen 1973-1977).
- Gonzalo Fernández de Oviedo y Valdés, *Historia general y natural de las Indias* Biblioteca de autores españoles, vols 117-121 (Madrid 1959).
- Gregory of Rimini, *Lectura super primum et secundum Sententiarum*, eds. A. Damasus Trapp and Venício Marcolino, 7 vols (Berlin and New York 1981-1987).
- John Chrysostom, *In Mattheum homiliae*, PG, vols 57-58.
- John Duns Scotus, *Ordinatio*, ed. Carolus Balić et al., *Opera omnia*, vols. 1-11, (Vatican City 1950-2008).
- , *Lectura*, ed. Carolus Balić et al., *Opera omnia*, vols. 16-21, (Vatican City 1950-2003).

- , *Tractatus de primo principio*, ed-transl. Wolfgang Kluxen (Darmstadt 1974).
- , *Quaestiones subtilissimae super libros in metaphysicorum Aristotelis*, in: Giovanni Lauriola ed. *Opera omnia editio minor*, I: Opera philosophica (Alberobello 1998), 1-550.
- John Major, *In primum Sententiarum* (Paris 1519).
- , *In secundum librum Sententiarum* (Paris 1519).
- , *Super tertium Sententiarum* (Paris 1517).
- Juan Ginés de Sepúlveda, *Democrates secundus de iustus belli causis*, ed. Ángel Losada, *Demócrates segundo, o de las justas causas de la guerra contra los indios* (Madrid 1951).
- , *Apologia pro libro de justis belli causis*, in id., *Opera*, vol. 4 (Madrid 1780), 329-351.
- Lactantius, *Divinarum Institutionum* PL 6, 111-884.
- Peter Auriol, *In quartum Sententiarum*, MS Padua 160, scaff. ix.
- Plato, *The Republic* Plato in Twelve Volumes (Loeb Classical Library), vols 5-6 (Cambridge, MA and London 1968).
- Prudentius, *Contra orationem Symmachi*, ed. H.J. Thomson, Loeb Classical Library, 2 vols (Cambridge, MA and London 1961-1962).
- Ptolemy, *Tetrabiblos*, ed.-transl. F.E. Robbins, Loeb Classical Library (Cambridge, MA and London 1940).
- Robert Holcot, *In quator libros Sententiarum quaestiones* (Lyon 1518; reprint Frankfurt am Main 1967).
- , *De imputabilitate peccati* (Lyons 1518; reprint Frankfurt am Main 1967).
- , *Super Sapientiam Salomomis, lectio LXVI*, in Kurt Villads. Jensen, "Robert Holcot's *Questio* on Killing Infidels: A Reevaluation and an Edition," *Archivum fratrum praedicatorum* 63 (1993), 207-228.
- , *Seeing the Future Clearly. Questions on future Contingents by Robert Holcot*, eds. Paul A. Streveler and Katherine H. Tachau (Toronto 1995).
- Thomas Aquinas, *Summa contra gentiles*, ed. Roberto Busa, *S. Thomae Aquinatis opera omnia*, vol. 2 (Stuttgart 1980), 1-152.
- , *Summa theologiae*, ed. Roberto Busa, *S. Thomae Aquinatis opera omnia*, vol 2 (Stuttgart 1980), 184-926.
- , *Quaestio disputata de veritate*, ed. Roberto Busa, *S. Thomae Aquinatis opera omnia*, vol 3 (Stuttgart 1980), 1-186.
- , *Expositio libri Posteriorum Analyticorum*, ed. Roberto Busa, *S. Thomae Aquinatis opera omnia*, vol 4 (Stuttgart 1980), 273-311.

Thomas Cajetan, *Summa theologiae cum commentariis Thomae de Vio Caietani Ordinis Praedicatorum*, in Thomas Aquinas, *Opera Omnia*, iussu impensaue Leonis XIII P.M., vols 4-12 (Rome 1888-1906).

William of Auvergne, *Opera omnia* (Paris 1674; reprint Frankfurt am Main 1963).

William of Auxerre, *Summa Aurea*, ed. Jean Ribailier, 5 vols (Paris and Rome 1980-1987).

### Primary Sources II (authors born after 1650)<sup>2</sup>

*Colección de documentos para la historia de la formación social de Hispanoamérica, 1493-1810*, ed. Richard Konetzke, 3 vols (Madrid 1953-1958).

Cruz y Moya, Juan José de la. *Historia de la santa y apostólica provincia de Santiago de Predicadores de México en la Nueva España*, ed. Gabriel Saldívar, 2 vols (Mexico City, 1954-1955).

Defoe, Daniel. *The Life and Strange Surprising Adventures of Robinson Crusoe, of York, Mariner: Who lived Eight and Twenty Years, all alone in an un-inhabited Island on the Coast of America, near the Mouth of the Great River of Oroonoke; Having been cast on Shore by Shipwreck, wherein all the Men perished but himself. With an Account how he was at last as strangely deliver'd by Pirates, written by himself*. Oxford's World's Classics 9 (Oxford and New York 1999).

Kant, Immanuel. *Grundlegung zur Metaphysik der Sitten*, in Ernst Cassirer ed., *Immanuel Kants Werke*, vol.4 (Berlin 1922), 241-324.

Lamarck, Jean-Baptiste. *Philosophie zoologique* (Paris 1809).

---, *Histoire naturelle des animaux sans vertèbres*, 7 vols (Paris 1815-1822).

Leo XIII (Pope). "Aeterni patris," *Acta sanctae sedis* 12 (1879), 97-115.

Maritain, Jacques. *Antimoderne* (Paris 1922).

---, *Humanisme intégral* (Paris 1936).

Pius IX (Pope) *Syllabus errorum*, in Heinrich Denzinger, *Enchiridion symbolorum definitionum et declarationum de rebus fidei et morum* (37th ed; Freiburg im Breisgau, etc 1991), 2901-80.

Ratzinger, Joseph (Cardinal). *Theologische Prinzipienlehre. Bausteine zur Fundamentaltheologie* (Munich 1982).

Wulf, Maurice de. *An Introduction to Scholastic Philosophy, Medieval and Modern [Scholasticism Old and New]*, transl. P. Coffey (Dublin 1907; reprint New York 1956; original French edition: Louvain and Paris 1904).

---

<sup>2</sup> Authors are listed alphabetically by their last name.

### Secondary Sources

- Alonso, Martin. *Diccionario medieval español. Desde las glossas Emilianenses v Silenses (siglo X) hasta al siglo XV*, 2 vols (Salamanca 1986).
- Andrés, Melquiades. *La teología española en el siglo XVI*, 2 vols (Madrid 1976-78).
- Antonio, Nicolás. *Bibliotheca Hispana nova; sive, Hispanorum scriptorum qui ab anno MD ad MDCLXXXIV, florere notitia*, 2 vols (Madrid 1783-1788).
- Arntz, J. Th. C. "Die Entwicklung des naturrechlichen Denkens innerhalb des Thomismus," in Franz Böckle ed., *Das Naturrecht im Disput. Drei Vorträge beim Kongress der deutschsprachigen Moralthologen 1965 in Bensberg* (Düsseldorf 1966), 87-120.
- Ashley, Winston. *The Theory of Natural Slavery According to Aristotle and St. Thomas* (Ph.D. dissertation, Notre Dame 1941).
- Bannach, Klaus. "Pelagianismus in der franziskanischen Schöpfungstheologie?" *Freiburger Zeitschrift für Philosophie und Theologie* 49 (2002), 73-93.
- Barbier, Maurice. "La notion de jus gentium chez Vitoria," *Bibliothèque d'humanisme et renaissance. Travaux et documents* 69 (2007), 7-19.
- Becker, Karl Josef., *Die Rechtfertigungslehre nach Domingo de Soto. Das Denken eines Konzilteilnehmers vor, in und nach Trient* (Rome, 1967).
- Bejczy, István. "Tolerantia: A Medieval Concept," *Journal of the History of Ideas* 58 (1997), 365-94.
- Beltrán de Heredia, Vicente. *Los manuscritos del maestro Fray Francisco de Vitoria, O.P. Estudio crítico de introducción a sus lecturas y selecciones* (Madrid and Valencia 1928).
- , *Domingo de Soto. Estudio biográfico documentado* (Madrid 1961).
- Bérubé, Camille, ed. *Homo et Mundus. Acta Quinti Congressus Scotistici Internationalis, Salmanticae, 21-26 septembris 1981* (Rome 1984).
- Beumer, Johannes. "Zwang und Freiheit in der Glaubenszustimmung nach Robert Holkot," *Scholastik* 37 (1962), 514-29.
- Biard, Joël. "Major, John (1467-1550)," *Routledge Encyclopedia of Philosophy*, vol. 6 (London and New York, 1998), 54-56.
- , "La toute-puissance divine dans le Commentaire des Sentences de Jean Mair," in Guido Canziani, Miguel A. Granada, and Yves Charles Zarka eds., *Potentia Dei. L'onnipotenza divina nel pensiero dei secoli XVI e XVII* (Milan 2000), 25-41.
- Biographisch-Bibliographisches Kirchenlexikon* (Hamm 1990ff), URL = <<http://www.bbkl.de/>>.

- Boadas Llavat, Agustín, and José Martí Mayor, "Un humanista Franciscano: Fray Antonio de Córdoba (1485-1578) y su entorno intelectual," in *El franciscanismo en Andalucía: conferencias del 5 y 6 Curso de Verano San Francisco en la cultura y en la historia del arte español. Priego de Córdoba, agosto de 1999 y agosto de 2000* (Córdoba 2001), 359-369.
- Borah, Woodrow. *Justice by Insurance. The General Indian Court of Colonial Mexico and the Legal Aides of the Half-Real* (Berkeley, etc. 1983).
- Bowser, Frederick P. *The African Slave in Colonial Peru, 1524-1650* (Stanford 1974).
- Broadie, Alexander. *The Circle of John Mair. Logic and Logicians in Pre-Reformation Scotland* (Oxford 1985).
- , *The Shadow of Scotus. Philosophy and Faith in Pre-Reformation Scotland* (Edinburgh 1995).
- , "John Mair," in Edward A. Malone ed., *British Rhetoricians and Logicians, 1500-1600. Second Series*. Dictionary of Literary Biography, vol 281 (Detroit, etc. 2003), 178-87.
- Burkhardt, Richard W. *The Spirit of System. Lamarck and Evolutionary Biology* (Cambridge MA and London 1977).
- Capéran, Louis. *Le problème du salut des infidèles: essai historique* (Toulouse 1934).
- Colish, Marcia L. "Habitus Revisited: a Reply to Cary Nederman," *Traditio* 48 (1993), 77-92.
- , "Peter Lombard and Abelard: The Opinio Nominalium and Divine Transcendence," *Vivarium* 30 (1992), 139-56.
- , *Remapping Scholasticism*. The Etienne Gilson Series 21 (Toronto 2000).
- Coleman, Janet. "The Continuity of Utopian Thought in the Middle Ages. A Reassessment," *Vivarium* 20 (1982), 1-23.
- , "Ratio and dominium according to John of Paris and Marsilius of Padua," in Zenon Kaluza and Paul Vignaux eds., *Logique, Ontologie et Théologie aux XIVe siècle* (Paris 1984), 65-81.
- Cornish, Paul J. "Spanish Thomism and the American Indians: Vitoria and Las Casas on the Toleration of Cultural Difference," in Cary J. Nederman and John Christian Laursen eds., *Difference and Dissent: Theories of Tolerance in Medieval and Early Modern Europe* (New York 1996), 99-118.
- Courtenay, William J. "Covenant and Causality in Pierre d'Ailly," *Speculum* 46 (1971), 94-119.
- , "Nominalism and Late Medieval Thought: A Bibliographical Essay," *Theological Studies* 33 (1972), 716-34.
- , "John of Mirecourt and Gregory of Rimini on Whether God Can Undo the Past," *Recherches de théologie ancienne et médiévale* 39 (1972), 224-56; 40 (1973), 147-74.
- , and Katherine H. Tachau, "Ockham, Ockhamists, and the English-German Nation at Paris, 1339-1341," *History of Universities* 2 (1982), 53-96.



- , "Late Medieval Nominalism Revisited: 1972-1982," *Journal of the History of Ideas* 44 (1983), 159-64.
- , *Schools and Scholars in Fourteenth-Century England* (Princeton, NJ 1987).
- , "The Dialectic of Omnipotence in the High and Late Middle Ages," in T. Rudavsky ed., *Divine Omniscience and Omnipotence in Medieval Philosophy* (Dordrecht 1990), 243-69.
- , *Capacity and Volition: A History of the Distinction of Absolute and Ordained Power* (Bergamo 1990).
- , "In Search of Nominalism: Two Centuries of Historical Debate," in Alfonso Maierù, ed., *Gli studi di filosofia medievale fra Otto e Novecento, contributo a un bilancio storiografico: atti del convegno internazionale Roma 21-23 settembre 1989* (Rome 1991), 233-51.
- , "Introduction," *Vivarium* 30 (1992), 1-3.
- Deckers, Daniel. *Gerechtigkeit und Recht. Eine historisch-kritische Untersuchung der Gerechtigkeitslehre des Francisco de Vitoria (1483-1546)* (Freiburg 1991).
- Dedek, John F. "Intrinsically Evil Acts: The Emergence of a Doctrine," *Recherches de théologie ancienne et médiévale* 50 (1983), 191-226.
- Dedieu, Jean-Pierre. "Limpieza, pouvoir et richesse: conditions d'entrée dans le corps des ministres de l'Inquisition (tribunal de Tolède), XVIe-XVIIe siècle," *Les Sociétés fermées dans le monde ibérique, XVI-XVIIIe siècles. Définitions et problématique* (Paris 1986), 169-87.
- Dettloff, Werner. *Die Lehre von der acceptatio divina bei Johannes Duns Scotus: mit besonderer Berücksichtigung der Rechtfertigungslehre* (Werl 1954).
- , *Die Entwicklung der Akzeptations- und Verdienstlehre von Duns Scotus bis Luther, mit besonderer Berücksichtigung der Franziskanertheologen* (Münster 1963).
- Dictionnaire d'histoire et de géographie ecclésiastiques* (Paris 1912ff).
- I diritti dell' uomo e la pace nel pensiero di Francisco de Vitoria e Bartolomé de las Casas* (Milan 1988).
- Dunne, Michael. "Richard FitzRalph of Dundalk (c. 1300-1360) and the New World," *Archivium Hibernicum* 58 (2004), 243-58.
- Ebbesen, Sten. "What One Must Have an Opinion About," *Vivarium* 30 (1992), 62-79.
- Edwards, John. "The Beginnings of a Scientific Theory of Race? Spain, 1450-1600," in Yedida K. Stillman and Norman A. Stillman eds., *From Iberia to Diaspora. Studies in Sephardic History and Culture* (Leiden 1999), 179-96.
- Ehrle, Franz. *Der Sentenzenkommentar Peters von Candia, des Pisaner Papstes Alexanders V: ein Beitrag zur Scheidung der Schulen in der Scholastik des vierzehnten Jahrhunderts und zur Geschichte des Wegestretes* (Münster 1925).
- Fernández-Santamaria, José A. "Juan Ginés de Sepúlveda on the Nature of the American Indians," *The Americas* 31 (1975), 434-51.

- , *The State, War and Peace. Spanish Political Thought in the Renaissance 1516-1559* (Cambridge and New York 1977).
- Ferris, I. "Insignificant Others: Images of Barbarians in Military Art from Roman Britain," in S. Cottam et al. eds., *TRAC 94. Proceedings of the Fourth Annual Theoretical Roman Archaeology Conference* (Oxford 1994), 24-31.
- FitzPatrick, P.J. "Neoscholasticism," in Kretzmann et al. eds., *The Cambridge History of Later Medieval Philosophy*, 838-52.
- Foa, Anne. "Limpieza versus Mission: Church, Religious Orders, and Conversion in the Sixteenth Century," in Steven J. Michael and Susan E. Myers eds., *Friars and Jews in the Middle Ages and the Renaissance*. (Leiden 2004), 299-311.
- Fournier, Paul. "Durand de Saint-Pourçain, théologien," in *Histoire littéraire de la France* 37 (Paris 1938), 1-38.
- Friede, Juan, and Benjamin Keen eds., *Bartolomé de Las Casas in History. Toward an Understanding of the Man and His Work* (DeKalb 1971).
- Fuchs OFM, Oswald. *The Psychology of Habit According to William of Ockham* (Bonaventure 1952).
- Gabriel, Astrik L. "Via antiqua and Via moderna and the Migration of Paris Students and Masters to the German Universities in the Fifteenth Century," in A. Zimmermann ed., *Antiqui und Moderni. Miscellanea Medievalia* 9 (Berlin 1974), 439-83.
- Garbajo, Deodato. "La provincia franciscana de Cartagena y el escotismo," in Bérubé ed., *Homo et Mundus*, 475-83.
- Garcia Villoslada, Ricardo. *La Universidad de Paris durante los estudios de Francisco de Vitoria O.P (1507-1522)* (Rome 1938).
- Gaskins, Richard. "Peter of Ailly and other Fourteenth-Century Thinkers on Divine Power and the Necessity of the Past," *Archiv für Geschichte der Philosophie* 79 (1997), 273-91.
- Geest, Paul van. "Das Niemandsland zwischen Via moderna und Devotio moderna: der status quaestionis der Gabriel-Biel-Forschung," *Nederlands archief voor kerkgeschiedenis/Dutch Review of Church History* 80 (2000), 157-92.
- Gelber, Hester Goodenough. *It Could Have Been Otherwise. Contingency and Necessity in Dominican Theology at Oxford* (Leiden, 2004).
- Gilbert, Neal Ward. "Ockham, Wyclif, and the 'via moderna,'" in A. Zimmermann ed., *Antiqui und Moderni. Miscellanea Medievalia* 9 (Berlin 1974), 85-125.
- Gillespie, Richard Ellsworth. *Gratia creata and acceptatio divina in the Theology of Robert Holcot O.P.: A Study of Two Unedited Quodlibetal Questions* (Ph.D. dissertation, Graduate Theological Union 1974).
- Giménez Fernández, Manuel. "Fray Bartolomé de Las Casas: A Biographical Sketch," in Juan Friede and Benjamin Keen eds., *Bartolomé de Las Casas in History. Toward an Understanding of the Man and His Work* (DeKalb 1971), 67-126.

- Gómez Canedo OFM, Lino. “¿Hombres o bestias? (Nuevo examen de un viejo tópico),” *Estudios de historia Novohispana* 1 (1966), 29-51.
- Gould, Stephen Jay. *The Structure of Evolutionary Theory* (Cambridge MA and London 2002).
- Gracia, Jorge. “Suárez (and Later Scholasticism),” in John Marenbon ed., *Medieval Philosophy*. Routledge History of Philosophy Volume III (London and New York 1998), 452-74.
- Graham, Richard, ed. *The Idea of Race in Latin America, 1870-1940* (Austin 1990).
- Grant, Edward. “The Condemnation of 1277, God’s Absolute Power and Physical Thought in the Late Middle Ages,” *Vivarium* 10 (1979) 211-44.
- Gutiérrez, Carlos. *Fray Bartolomé de las Casas, sus tiempos y su apostolado* (Madrid 1878).
- Gutiérrez, Gustavo. Las Casas. *In Search of the Poor of Jesus Christ* (Maryknoll 1993; original Spanish edition: Lima 1992).
- Hales, Edward Elton Young. *Pio Nono. A Study in European Politics and Religion in the Nineteenth Century* (New York 1954).
- Hall, A. Rupert. “The Nature of Scientific Discovery in the Sixteenth Century,” in Owen Gingerich ed., *The Nature Of Scientific Discovery. A Symposium Commemorating the 500th Anniversary of the Birth of Nicolaus Copernicus* (Washington DC 1975), 91-105.
- Hallensleben, Barbara. *Communicatio: Anthropologie und Gnadenlehre bei Thomas de Vio Cajetan*. Reformationgeschichtliche Studien und Texte 123 (Münster 1985).
- Halsall, Guy. *Barbarian Migrations and the Roman West, 376-568* (Cambridge 2007).
- Halverson, James. “Franciscan Theology and Predestinarian Pluralism in Late-Medieval Thought,” *Speculum* 70 (1995), 1-26.
- Hamilton, Bernice. *Political Thought in Sixteenth Century Spain. A study of the political ideas of Vitoria, De Soto, Suárez and Molina* (Oxford 1963)
- Hanke, Lewis. *The First Social Experiments in America. A Study in the Development of Spanish Indian Policy in the Sixteenth Century* (Cambridge, MA 1935; reprint Gloucester, MA 1964).
- , “Pope Paul III and the American Indians,” *The Harvard Theological Review*, 30 (1937), 65-102.
- , *The Spanish Struggle for Justice in the Conquest of America* (Philadelphia 1949; repr. Boston 1965).
- , “Bartolomé de Las Casas, an Essay in Hagiography and Historiography,” *Hispanic American Historical Review*, 33 (1953), 136-51.
- . *Aristotle and the American Indians. A Study in Race Prejudice in the Modern World* (London 1959).
- , *All Mankind is One. A Study of the Disputation Between Bartolomé de Las Casas and Juan Ginés Sepúlveda in 1550 on the Intellectual and Religious Capacity of the American Indians* (DeKalb 1974).

- Haring, Clarence H. *The Spanish Empire in America* (New York 1963; original edition New York 1947).
- Harty, John. "Probabilism," in *The Catholic Encyclopedia*, vol. 12 (New York 1911); (28 Apr. 2010), URL = <<http://www.newadvent.org/cathen/12441a.htm>>.
- Hernández, Ramón. "El uso de razón en Francisco de Vitoria," *Ciencia Tomista* 136 (2009), 53-82; 205-228.
- Herzog, Tamar. *Defining Nations. Immigrants and Citizens in Early Modern Spain and Spanish America* (New Haven and London 2003).
- Hoffmann, Fritz "Robert Holcot – philosophische Implikationen seiner Theologie," in Jan A. Aertsen and Andreas Speer eds, *Was ist Philosophie im Mittelalter? Qu'est-ce que la philosophie au Moyen Age? What is Philosophy in the Middle Ages? Akten des X. Internationalen Kongresses für mittelalterliche Philosophie der Société Internationale pour l'Etude la Philosophie Médiévale, 25. bis 30. August 1997 in Erfurt* (Berlin and New York 1998), 637-641.
- Hoffmann, Richard C. "Outsiders by Birth and Blood: Racist Ideologies and Realities around the Periphery of Medieval European Culture," *Studies in Medieval & Renaissance History* 6 (1983), 3-34; reprinted in James Muldoon and Felipe Fernández-Armesto eds., *The Medieval Frontier of Latin Christendom: Expansion, Contraction, Continuity* Aldershot 2008), 149-80.
- Hoffmann, Tobias. "The Distinction Between Nature and Will in Duns Scotus," *Archives d'histoire doctrinale et littéraire du moyen age* 66 (1999), 189-224.
- Honnefelder, Ludger. *Scientia transcendens. Die formale Bestimmung der Seiendheit und Realität in der Metaphysik des Mittelalters und Neuzeit* (Hamburg 1990).
- , Rega Wood and Mechtild Dreyer eds., *John Duns Scotus. Metaphysics and Ethics* (Leiden, etc. 1996).
- , "Metaphysik und Ethik bei Johannes Duns Scotus: Forschungsergebnisse und -perspektiven. Eine Einführung," in id et al. eds. *John Duns Scotus. Metaphysics and Ethics* (Leiden, etc. 1996), 1-33.
- Inagaki, (Bernard) Ryosuke. "The Degrees of Knowledge and *Habitus* According to Thomas Aquinas," in Wolfgang Kluxen et al. *Sprache und Erkenntnis im Mittelalter. Akten des VI. Internationalen Kongresses für mittelalterliche Philosophie der Société Internationale pour l'Etude de la Philosophie Médiévale, 29. August - 3. September 1977 in Bonn* (Berlin 1981), 270-82.
- . "*Habitus* and *Natura* in Aquinas," in John F. Wippel ed., *Studies in Medieval Philosophy. Studies in Philosophy and the History of Philosophy*, 17 (Washington DC 1987), 159-75.
- Incandela, Joseph M. "Robert Holcot, O.P., on Prophecy, the Contingency of Revelation and the Freedom of God," *Medieval Philosophy and Theology* 4 (1994), 165-88.
- Ingham, Mary Elizabeth. "Practical Wisdom: Scotus's Presentation of Prudence," in Honnefelder et al. eds, *John Duns Scotus*, 551-71.
- Inglis, John. *Spheres of Philosophical Inquiry and the Historiography of Medieval Philosophy* (Leiden, etc. 1988).

- Iribarren, Isabel. *Durandus of St. Pourçain. A Dominican Theologian in the Shadow of Aquinas* (Oxford 2005).
- Iwakuma, Yukio and Sten Ebbesen, "Logico-Theological Schools from the Second Half of the 12th Century: A List of Sources," *Vivarium* 30 (1992), 173-210.
- Izbicki, Thomas M., "Cajetan on the Acquisition of Stolen Goods in the Old and New Worlds," *Rivista di storia del cristianesimo* 4 (2007), 499-509.
- Jaccard, Pierre. "La renaissance de la pensée franciscaine," *Revue de théologie et de philosophie* 18 (1930), 103-31, 207-33; 19 (1931), 168-95.
- James, Frank A. "A Late Medieval Parallel in Reformation Thought: Gemina praedestinatio in Gregory of Rimini and Peter Martyr Vermigli," in Heiko A. Oberman and id. eds., *Via Augustini. Augustine in the Later Middle Ages, Renaissance and Reformation. Essays in Honor of Damasus Trapp O.S.A.* (Leiden, etc. 1991), 157-88.
- Janz, Denis R. "Cajetan: A Thomist Reformer?" *Renaissance and Reformation New Series* 6 (1982), 94-102.
- , *Luther and Late Medieval Thomism: A Study in Theological Anthropology* (Waterloo, Ontario 1983).
- Jensen, Kurt Villads. "Robert Holkot's *Questio* on Killing Infidels: A Reevaluation and an Edition," *Archivum fratrum praedicatorum* 63 (1993), 207-28.
- Jones, W.R. "The Image of the Barbarian in Medieval Europe," *Comparative Studies in Society and History* 13 (1971), 376-407.
- Kaluza, Zenon. *Les querelles doctrinales à Paris: nominalistes et réalistes aux confins du XIVe et du XVe siècles* (Bergamo 1988).
- Kennedy, Leonard A. "Philosophical Scepticism in England in the Mid-Fourteenth Century," *Vivarium* 21 (1983), 35-57.
- , "The Fifteenth Century and Divine Absolute Power," *Vivarium* 27 (1989), 125-52.
- , *The Philosophy of Robert Holcot, Fourteenth-Century Skeptic* (Lewiston, NY 1993).
- , "Durandus, Gregory of Rimini and Divine Absolute Power," *Recherches de théologie ancienne et médiévale* 61 (1994), 69-87.
- Koch, Joseph. *Durandus de S. Porciano O.P. Forschungen zum Streit um Thomas von Aquin zu Beginn des 14. Jahrhunderts. Erster Teil: Literargeschichtliche Grundlegung.* Beiträge zur Geschichte der Philosophie des Mittelalters. Texte und Untersuchungen, vol. 26 (Münster 1927).
- Köhler, Theodor Wolfram. "Wissenschaft und Evidenz. Beobachtungen zum wissenschaftstheoretischen Ansatz des Jakob von Metz," *Studia Anselmiana* 63 (194), 369-414.
- Kottje, Raymund. "Intentions- oder Tathaftung? Zum Verständnis der frühmittelalterlichen Bußbücher," *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Kanonistische Abteilung* 91 (2005), 738-41.

- Kretzmann, Norman, Anthony Kenny and Jan Pinborg eds. *The Cambridge History of Later Medieval Philosophy. From the Rediscovery of Aristotle to the Disintegration of Scholasticism: 1100-1600* (Cambridge 1982).
- , *The Metaphysics of Creation. Aquinas's Natural Theology in Summa contra gentiles II* (Oxford 1999).
- Kristeller, Paul Oskar. "The Scholar and his Public in the Late Middle Ages and the Renaissance," in Mahoney ed.-transl., *Medieval Aspects of Renaissance Learning*, 3- 25.
- , "Thomism and the Italian Thought of the Renaissance," in Mahoney ed.-transl., *Medieval Aspects of Renaissance Learning*, 29-91.
- , "The Contribution of Religious Orders to Renaissance Thought and Learning," in Mahoney ed.-transl., *Medieval Aspects of Renaissance Learning*, 95-114.
- Laemers, Jeroen W. J. "Christina Mirabilis and the Scholastic Notion of Truth," *Revue d'histoire ecclésiastique* 105 (2010), 5-26.
- Lamela, Alonso. "Aportación bio-bibliográfica en torno a Fray Antonio de Córdoba, O.F.M. (1485-1578)," *Liceo franciscano* 6 (1953), 179-208.
- , "Fr. Antonio de Córdoba y las corridas de toros en España," *Liceo franciscano* 6 (1953), 244-266.
- Lang, Albert. *Die Entfaltung des apologetischen Problems in der Scholastik des Mittelalters* (Freiburg, etc. 1962).
- Lértora Mendoza, Celina Ana. "El escotismo en el Río de la Plata (1600-1800)," in Bérubé ed., *Homo et Mundus*, 495-500.
- Leturia, Pedro. "Major y Vitoria ante la conquista de America," *Estudios eclesiásticos* 11 (1932), 44-82.
- Lewis, C.S. *The Discarded Image. An Introduction to Medieval and Renaissance Literature* (Cambridge 1964; reprint 1970).
- Lockhart, James and Stuart B. Schwartz. *Early Latin America. A History of Colonial Spanish America and Brazil* (Cambridge, etc. 1983).
- Losada, Ángel. "The Controversy Between Sepúlveda and Las Casas in the Junta of Valladolid," in Juan Friede and Benjamin Keen eds., *Bartolomé de Las Casas in History. Toward an Understanding of the Man and His Work* (DeKalb 1971), 278-307.
- , "Sepúlveda – Las Casas – Vitoria. Más coincidencias que divergencias," in *I diritti dell' uomo*, 439-62.
- Lottin, Odon. *Psychologie et morale au XIIIe et XIIIe siècles*. 6 vols. (Louvain 1948-1960).
- Lowe, Elizabeth. *The Contested Theological Authority of Thomas Aquinas. The Controversies between Hervaeus Natalis and Durandus of St. Pourçain* (New York and London 2003).
- Luscombe, D.E. "Natural Morality and Natural Law," in Kretzmann et al. eds., *The Cambridge History of Later Medieval Philosophy*, 705-19.

- , "The State of Nature and the Origins of the State," in Kretzmann *et al.* eds., *The Cambridge History of Later Medieval Philosophy*, 757-70.
- Mandonnet, P. O.P., *Siger de Brabant et l'averroïsme latin au XIII<sup>me</sup> siècle*, 2 vols (2nd ed.; Louvain 1908).
- Mahoney, Edward P. ed.-transl., *Medieval Aspects of Renaissance Learning. Three Essays by Paul Oskar Kristeller* (Durham 1974).
- Mandrella, Isabelle. "Die Autarkie des mittelalterlichen Naturrechts als Vernunftrecht: Gregor von Rimini und das "etiamsi Deus non daretur"-Argument," in Jan A. Aertsen and Martin Pickavé eds., *Herbst des Mittelalters? Fragen zur Bewertung des 14. und 15. Jahrhunderts* (Berlin 2004), 265-76.
- Manuel, Frank E. and Fritzie P. Manuel, *Utopian Thought in the Western World* (Cambridge, MA 1979).
- Marcolino, Venício. "Der augustinerteologe an der Universität Paris," in Heiko A. Oberman, *Gregor von Rimini. Werk und Wirkung bis zur Reformation* (Berlin and New York 1981), 127-94
- Mate, Reyes "Ein neuzeitlicher Naturbegriff," in id. and Friedrich Niewöhner, *Spaniens Beitrag zum politischen Denken in Europa um 1600* (Wiesbaden 1994), 7-15.
- McGrade, A.S. "Ockham and the Birth of Individual Rights," in Peter Linehan and Brian Tierney eds., *Authority and Power. Studies on Medieval Law and Government Presented to Walter Ullmann on His Seventieth Birthday* (Cambridge 1980), 149-65.
- , "Rights, Natural Rights and the Philosophy of Law," in Kretzmann *et al.* eds., *The Cambridge History of Later Medieval Philosophy*, 738-56.
- McGrath, Alister E. *Iustitia Dei: A History of the Christian Doctrine of Justification* (3rd ed.; Cambridge, etc. 2005).
- MacNutt, Francis A. *Bartholomew de las Casas: His Life, Apostolate, and Writings* (Cleveland 1909).
- Mechoulan, Henri. *L'antihumanisme de J.G. de Sepúlveda. Étude critique du Democrates primus* (Paris, etc. 1974).
- Möhle, Hannes. "Scotus's Theory of Natural Law," in Thomas Williams ed., *The Cambridge Companion to Duns Scotus* (Cambridge 2003), 312-31.
- Moore, Robert I. *The Formation of a Persecuting Society: Power and Deviance in Western Europe, 950-1350* (Second edition: Oxford 2007; original edition 1987).
- Mörner, Magnus. *Race Mixture in the History of Latin America* (Boston 1967).
- Muldoon, James. *Popes, Lawyers and Infidels. The Church and the Non-Christian World 1250-1550* (Philadelphia 1979).
- , "The Avignon Papacy and the Frontiers of Christendom. The Evidence of Vatican Register 62," *Archivium historiae pontificiae* 17 (1979), 125-95.

- , "The Nature of the Infidel: the Anthropology of the Canon Lawyers," in Scott D. Westrem ed., *Discovering New Worlds. Essays on Medieval Exploration and Imagination* (New York and London 1991), 115-24.
- , *The Americas in the Spanish World Order. The Justification for Conquest in the Seventeenth Century* (Philadelphia 1994).
- , *Identity on the Medieval Irish Frontier. Degenerate Englishmen, wild Irishmen, Middle Nations* (Gainesville 2003).
- Murphy, Lawrence. "Gabriel Biel and Ignorance as an Effect of Original Sin in the Prologue to the *Canonis missae expositio*," *Archiv für Reformationsgeschichte* 74 (1983), 5-24.
- Murray, Alexander. *Reason and Society in the Middle Ages* (Oxford 1978).
- Nederman, Cary. J. "Nature, Ethics and the Doctrine of *Habitus*: Aristotelian Moral Psychology in the Twelfth Century," *Traditio* 45 (1989-90), 87-110.
- , *Worlds of Difference. European Discourses of Toleration, c. 1100-c. 1550* (University Park, PA 2000).
- Nelson, Benjamin. "The Early Modern Revolution in Science and Philosophy: Fictionalism, Probabilism, Fideism, and Catholic 'Prophetism'," *Boston Studies in the Philosophy of Science* 3 (1968), 1-40.
- , "The Quest for Certitude and the Books of Scripture, Nature, and Conscience," in Owen Gingerich ed., *The Nature Of Scientific Discovery. A Symposium Commemorating the 500th Anniversary of the Birth of Nicolaus Copernicus* (Washington DC 1975), 355-72.
- Normore, Calvin. G. "Abelard and the School of the *Nominales*," *Vivarium* 30 (1992), 80-96.
- O'Gorman, Edmundo. *Fundamentos de la historia de América* (Mexico City 1942).
- , "Lewis Hanke on the Spanish Struggle for Justice in the Conquest of America," *The Hispanic American Historical Review* 29 (1949), 563-71.
- O'Meara, Thomas F. "The Dominican School of Salamanca and the Spanish Conquest of America," *The Thomist* 56 (1992), 555-82.
- Oakley, Francis. "Christian Theology and the Newtonian Science: the Rise of the Concept of the Laws of Nature," *Church History* 30 (1961), 433-57.
- , "Pierre d'Ailly and the Absolute Power of God: Another Note on the Theology of Nominalism," *The Harvard Theological Review* 56 (1963), 59-73.
- , *Omnipotence, Covenant, and Order. An Excursion in the History of Ideas from Abelard to Leibniz* (Ithaca and London 1984).
- , *Omnipotence and Promise. The Legacy of the Scholastic Distinction of Powers. The Etienne Gilson Series* 23 (Toronto 2002).
- , *Natural Law, Laws of Nature, Natural Rights. Continuity and Discontinuity in the History of Ideas* (New York and London 2005).



- Obenauer, Klaus. "Thomismus," in: *Lexikon für Theologie und Kirche*, vol. 9 (Freiburg, etc. 2000), 1517-22.
- Oberman, Heiko A. "Some Notes on the Theology of Nominalism: With Attention to Its Relation to the Renaissance," *The Harvard Theological Review* 53 (1960), 47-76.
- , "Facientibus quod in se est Deus non denegat Gratiā: Robert Holcot, O.P. and the Beginnings of Luther's Theology," *The Harvard Theological Review* 55 (1962), 317-42.
- , *Harvest of Medieval Theology. Gabriel Biel and Late Medieval Nominalism* (Cambridge, MA 1963).
- , *The Dawn of the Reformation. Essays in Late Medieval and Early Reformation Thought* (Edinburgh 1986).
- , "Fourteenth-Century Religious Thought: A Premature Profile," in id., *Dawn of the Reformation*, 1-17.
- , "Headwaters of the Reformation: *Initia Lutheri – Initia Reformationis*," in id., *Dawn of the Reformation*, 39-83.
- , "Duns Scotus, Nominalism, and the Council of Trent," in id., *Dawn of the Reformation*, 204-33.
- Pagden, Anthony. "The 'School of Salamanca' and the 'Affair of the Indies,'" *History of Universities* 1 (1981), 71-112.
- , *The Fall of Natural Man. The American Indian and the Origins of Comparative Ethnology* (Cambridge, etc. 1982).
- , "Dispossessing the Barbarian: Rights and Property in Spanish America," in id., *Spanish Imperialism and the Political Imagination. Studies in European and Spanish-American Social and Political Theory 1513-1830* (New Haven, etc. 1990), 13-36.
- Parish, Helen Rand, and Francis Patrick Sullivan SJ ed.-transl., Bartolomé de Las Casas, *The Only Way* (New York and Mahwah 1992).
- Pereña, Luciano. "Die spanische Eroberung Amerikas und das europäische Denken. Die Schule von Salamanca," in Reyes Mate and Friedrich Niewöhner, *Spaniens Beitrag zum politischen Denken in Europa um 1600* (Wiesbaden 1994), 69-79.
- Pesch, Otto. "Thomismus," in *Lexikon für Theologie und Kirche*, vol. 10 (2nd ed.; Freiburg im Breisgau 1965), 157-67: 163-65.
- Phelan, John Leddy. *The Millennial Kingdom of the Franciscans in the New World* (2nd rev. ed.; Berkeley and Los Angeles 1970).
- Piatti, Salvator. *Doctrina Antonii Cordubensis de conscientia cum speciali relatione ad probabilismum* (Trento 1952).
- Pietschmann, Horst. "Aristotelischer Humanismus und Inhumanität? Sepúlveda und die amerikanischen Ureinwohner," in: W. Reinhard ed., *Humanismus und Neue Welt* (Weinheim 1987), 143-66.

- , "Juan Ginés de Sepúlveda und die amerikanischen Ureinwohner," in M. Delgado ed., *Bartolomé de Las Casas. Werkauswahl. (Bd. 1: Missionstheologische Schriften)* Paderborn 1994, 86-96.
- Poole, Stafford. "Some Observations on Mission Methods and Native Reactions in Sixteenth-Century New Spain," *The Americas* 50 (1994), 337-49.
- Principe, Walter H. "St. Thomas and the *Habitus*-theory of the Incarnation," in *St. Thomas Aquinas 1274-1974. Commemorative Studies* (Toronto 1974), vol. I: 381- 418.
- Quirk, Robert E. "Some Notes on a Controversial Controversy: Juan Ginés de Sepúlveda and Natural Servitude," *The Hispanic American Historical Review* 34 (1954), 357-64.
- Randi, Eugenio. "Ockham, John XXII and the Absolute Power of God," *Franciscan Studies* 46 (1986) 205-16.
- , "A Scotist Way of Distinguishing Between God's Absolute and Ordained Powers," in *From Ockham to Wyclif* eds. Anne Hudson and Michael Wilks (Oxford 1987), 43-50.
- Ricard, Robert. *The Spiritual Conquest of Mexico. An Essay on the Apostolate and the Evangelizing Methods of the Mendicant Orders in New Spain: 1523-1572* (Berkeley and Los Angeles 1966; original French edition: Paris 1933).
- Rocco, Hugo. "L'avvertenza richiesta per il peccato mortale secondo Antonio de Córdoba, OFM," *Antonianum* 31 (1956), 419-425.
- Roger, Jacques. *The Life Sciences in Eighteenth-Century French Thought* (Stanford 1997; original French edition: Paris 1963).
- Russell, Edward Stuart. *The Interpretation of Development and Heredity. A Study in Biological Method* (Oxford 1930).
- Russell-Wood, A.J.R. "Iberian Expansion and the Issue of Black Slavery: Changing Portuguese Attitudes, 1440-1770," *American Historical Review* 83 (1978), 16-41.
- Schmutz, J. *Scholasticism*, URL = <<http://www.scholasticism.fr>>.
- Scott, James Brown. *The Spanish Origin of International Law*, vol. 1: *Francisco de Vitoria and his Law of Nations* (Oxford 1934).
- Séguy, Jean. "Une sociologie des sociétés imaginées: monachisme et utopie," *Annales, économies, sociétés, civilisations* 26 (1971) 328-54.
- Seibt, Ferdinand. "Utopie im Mittelalter," *Historische Zeitschrift* 208 (1969) 555-594.
- Schulze, Manfred. "Contra rectam rationem: Gabriel Biel's reading of Gregory of Rimini, Versus Gregory," in Heiko A. Oberman and Frank A. James eds., *Via Augustini. Augustine in the Later Middle Ages, Renaissance and Reformation. Essays in Honor of Damasus Trapp O.S.A.* (Leiden, etc. 1991), 55-71.
- Sherman, William L. "Indian Slavery and the Cerrato Reforms," *The Hispanic American Historical Review* 51 (1971), 25-50.

- Sicroff, Albert A. *Les controverses des statuts de pureté de sang en Espagne du XV<sup>e</sup> au XVIII<sup>e</sup> siècle* (Paris 1960).
- Simpson, Lesley Bird. *The Encomienda in New Spain. The Beginning of Spanish Mexico* (Rev. Ed; Berkely 1966).
- Smith, Nicholas D. "Aristotle's Theory of Natural Slavery," *Phoenix* 37 (1983), 109-22.
- Staedler, E. "Die westindischen lehnsedikte Alexanders VI (1493)," *Archiv für katholisches Kirchenrecht* 118 (1938), 377-417.
- Steenberghen, Fernand van, *Thomas Aquinas and Radical Aristotelianism* (Washington DC 1980).
- The Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta, URL = <<http://plato.stanford.edu/>>.
- Stock, Brian. *The Implications of Literacy: Written Language and Models of Interpretation in the Eleventh and Twelfth Centuries* (Princeton 1983).
- Synan, Edward A. "Sensibility and Science in Mediaeval Theology: The Witness of Durandus of Saint-Pourçain and Denis the Carthusian," in Reijo Työrinoja, Anja Inkeri Lehtinen and Dagfinn Føllesdal eds. *Knowledge and the Sciences in Medieval Philosophy. Proceedings of the Eight International Congress of Medieval Philosophy (SIEPM). Helsinki 24-29 August 1987*, vol. 3 (Helsinki 1990), 531-39.
- Tachau, Katherine H., *Vision and Certitude in the Age of Ockham: Optics, Epistemology, and the Foundations of Semantics, 1250-1345* (Leiden 1988).
- , "Robert Holcot on Contingency and Divine Deception," in Luca Bianchi ed., *Filosofia e teologia nel Trecento; studi in ricordo de Eugenio Randi* (Louvain-la-Neuve 1994), 157-96.
- , "Logic's God and the Natural Order in Late Medieval Oxford: the Teaching of Robert Holcot," *Annals of Science* 53 (1996) 235-67.
- , "What Has Gothic to Do With Scholasticism?" in Colum Hourihane ed., *Gothic Art and Thought in the Later Medieval Period. Essays in Honor of Wilibald Sauerländer* (University Park, PA 2011), 14-34.
- Thomas, Hugh. *Rivers of Gold. The Rise of the Spanish Empire* (London 2003).
- Tierney, Brian. "Aristotle and the American Indians – Again. Two Critical Discussions." *Cristianesimo nella storia* 12 (1991), 295-322.
- , *The Idea of Natural Rights. Studies on Natural Rights, Natural Law and Church Law 1150-1625* (Atlanta 1997).
- Torrance, Thomas. F. "1469-1969, la philosophie et la théologie de Jean Mair ou Major (1469-1550)" *Archives de philosophie* 32 (1969), 531-47; 33 (1970), 261-93.
- Trentman, John A. "Scholasticism in the Seventeenth Century," in *The Cambridge History of Later Medieval Philosophy*, 818-37.

- Torres Aguilar, Manuel. "Doctrina sobre las Corridas de toros en la obra de Fray Antonio de Córdoba," in *El franciscanismo en Andalucía: conferencias del 5 y 6 Curso de Verano San Francisco en la cultura y en la historia del arte español. Priego de Córdoba, agosto de 1999 y agosto de 2000* (Córdoba 2001), 459-463.
- Vermeersch, Arthur. "Modernism," in *The Catholic Encyclopedia*, vol. 10 (New York 1911); (2 Jun. 2010), URL = <<http://www.newadvent.org/cathen/10415a.htm>>.
- Villey, Michel. *La Formation de la pensée juridique moderne* (4th ed.; Paris 1975).
- Vivarium* 30 (1992) [Thematic volume on twelfth-century nominalism].
- Vos, Antonie. *The Philosophy of John Duns Scotus* (Edinburgh 2006).
- Wallace, William A. *Domingo de Soto and the Early Galileo: Essays on Intellectual History* (Aldershot, etc. 2004).
- Walsh, Katherine. *A Fourteenth-Century Scholar and Primate: Richard FitzRalph in Oxford, Avignon and Armagh* (Oxford 1981).
- Wicks, Jared. "Thomism Between Renaissance and Reformation: the Case of Cajetan," *Archiv für Reformationsgeschichte* 68 (1977), 9-32.
- , *Cajetan Responds: A Reader in Reformation Controversy* (Washington DC 1978).
- Wieland, Georg. "The Reception and Interpretation of Aristotle's *Ethics*," in Kretzmann *et al.* eds., *The Cambridge History of Later Philosophy*, 657-72.
- Williamson, Arthur H. "Scots, Indians and Empire: The Scottish Politics of Civilization 1519-1609," *Past and Present* 150 (1996), 46-83.
- Wilks, Michael. "Predestination, Property, and Power: Wyclif's Theory of Dominion and Grace," *Studies in Church History* 2 (1965), 220-36.
- Wippel, John F. "Thomas Aquinas and the Condemnation of 1277," *The Modern Schoolman* 72 (1995), 233-72.
- Witte, Charles-Martial de. "Les bulles pontificales et l'expansion portugaise aux XVe siècle," *Revue d'histoire ecclésiastique* 48 (1953), 683-718; 49 (1954), 483-61; 51 (1956), 413-53; 809-36; 53 (1958), 5-46; 443-71.
- Wolf, Kenneth Baxter. "The 'Moors' of West Africa and the Beginnings of the Portuguese Slave Trade," *Journal of Medieval and Renaissance Studies* 24 (1994), 449-69.
- Wolter, Allan B. "Native Freedom of the Will as a Key to the Ethics of Scotus," in *Deus et homo ad mentem I. Duns Scoti. Acta Tertii Congressus Scotistici Internationalis Vindebonae, Sept. 28-Oct 2, 1970* (Rome 1972), 359-70.
- , *Duns Scotus on the Will and Morality* (Washington DC 1986).
- Wood, R. Neil. "John Mair: the Human Dimension of Faith," *The Innes Review* 48 (1997), 125-43.

Zamora, Germán. "Jaque mate al escotismo en la universidad de Valladolid," in Bérubé ed., *Homo et Mundus*, 459-73.

Zavala, Silvio. *La filosofía política en la conquista de América* (Mexico City 1947).

---, *The Defence of Human Rights in Latin America (Sixteenth to Eighteenth Centuries)* (Paris 1964).

Zirkle, Conway. *The Early History of the Idea of the Inheritance of Acquired Characters and of Pangenesis*. Transactions of the American Philosophical Society NS 35, pt. 2 (Philadelphia 1946), 89-151.

Zuckerman, C. "The Relationship of Theories of Universals to Theories of Church Government: A Critique of Previous Views," *Journal of the History of Ideas* 36 (1975), 579-94.