

The Heritage of the Spanish Scholastics

Leonard P. Liggio

The Yucatan was the center point of one of the most important moral debates in history. It can be summarized in the title of the book, *In Defense of the Indians: The Defense of the Most Reverend Lord, Don Fray Bartolome de Las Casas, of the Order of Preachers, Late Bishop of Chiapa, Against the Persecutors and Slanderers of the Peoples of the New World Discovered Across the Seas*. The Friar and Bishop, Bartolome de Las Casas, defended the Native Americans against the charge of those who wished to enslave them and kill them in the process—the charge being that Native Americans were not fully human, that they lacked the intellectual and religious capacity of Europeans.

The argument put forward by Las Casas is captured by the title of another book, *All Mankind Is One* (by Lewis Hanke), a study of the disputation before the Council of Castile between Bartolome Las Casas and his opponent Juan Gines de Sepulveda in 1550 regarding the intellectual capacity of the American Indians. Las Casas had introduced into Castile and Europe a new debate. Spain had recently witnessed the expulsion of two of the three cultures that had existed there for almost eight hundred years. The Crown of Castile completed the expulsion of the Spanish Jews and Moslems in 1492 because of their religious diversity, but there was no question of the intellectual equality, not to say superiority, of the Jews and Moslems over the Christians.

For one hundred years before Las Casas's writings, Portugal had been in contact with African civilizations along that continent's western coasts. By the beginning of the sixteenth century, the BaKongo kingdom of the Lower Congo not only exchanged diplomatic representatives with the Holy See and the kingdoms of Portugal and Castile, but the son of the BaKongo king was consecrated a bishop in Rome and returned to administer his diocese in the Congo. The glorious civilizations of the African kingdoms and the successful completion of theological studies by African priests left no question of the intellectual and religious equality of the African peoples.

Thus, the claim of the Castilian conquistadors that the Native Americans were intellectually and spiritually inferior was a new charge. Indeed, it was so novel that there were no

traditions in Western thought to justify it. There was nothing in the Fathers of the church—Greek, Antiochan, Alexandrian, African, Roman, or Gallic—to justify it. Nor was there anything in the seventy-six volumes of the Abbe Migne's *Patrologia Latina*, nothing in the writings of Tertullian, Augustine in Africa, the Italians, Ambrose, Jerome, or the Gaullic Pelagius.

A New World and Modern Problems

In a major contribution, *Aristotle and the American Indians: A Study of Race Prejudice in the Modern World*, Lewis Hanke notes that already in 1511 on the island of Hispaniola the Castilians' murder, robbery, and enforced labor of the Native Americans were chastised by the Dominican friar, Antonio de Montesinos, who preached on the text, "I am a voice crying in the wilderness." According to Hanke, "Montesinos delivered the first important protest against the treatment being accorded the Indians by his Spanish countrymen, enquiring: 'Are these Indians not men? Do they not have rational souls? Are you not obliged to love them as you love yourselves?'" This sermon in America led immediately to a dispute at Burgos in Spain from which were issued the first two Spanish treatises on Indian problems and the first code drawn up for the treatment of Indians by Spaniards, the Laws of Burgos. It is worth noting that one of these treatises by the friar Matias de Pax, titled *Concerning the Rule of the Kings of Spain Over the Indians*, is not only the first study of this question by a Dominican but also the first known statement that the American Indians are not slaves in the Aristotelian sense.

The Laws of Burgos were proclaimed in 1512 but not rigorously followed. The new king of Castile, the Holy Roman Emperor Charles V, reinvestigated the issues. The first specific American application of the Aristotelian doctrine of natural slavery occurred in 1519 when Juan Quevedo, bishop of Darien, and Las Casas clashed at Barcelona before the young Emperor Charles V. Las Casas enunciated the basic concept that was to guide all his action on behalf of the Indians during the remaining half-century of his passionate life: "Our Christian religion is suitable for and may be adapted to

all the nations of the world, and all alike may receive it; and no one may be deprived of his liberty, nor may he be enslaved on the excuse that he is a natural slave, as it would appear that the reverend bishop (of Darien) advocates.”

Juan de Zumarraga, Franciscan and bishop of Mexico, played a notable role in this conflict of ideas simply by believing that the Indians were rational beings whose souls could be saved. This conviction formed the basis for every one of his contributions to Mexican culture: the establishment of the famous *colegio* for boys at Tlatelolco and the school for Indian girls in Mexico City, the bringing of the first printing press to America, the movement for a university in Mexico, and the writing of books for Indians. An indication of the bitter and open conflict that raged on the subject in 1537, the year after Zumarraga established the school for Indians at Tlatelolco, is the fact that Pope Paul III found it necessary to issue the famous bull *Sublimis Deus* in which he stated that Indians were not to be treated as “dumb brutes created for our service” but “as truly men ... capable of understanding the Catholic faith.” And the pope ordered: “The said Indians and all other people who may later be discovered by Christians, are by no means to be deprived of their liberty or the possession of their property, even though they may be outside the faith of Jesus Christ ... nor should they in any way be enslaved.”

This great debate continued before Charles V and then Philip II. However, it had an equally profound course away from the Council of Castile. It initiated in the universities of Iberia a major investigation of the application of Aristotelian/Thomist philosophy to what we might call “modern” problems.

The Iberian universities included Salamanca (1243), Seville (1254), Valladolid (1346), Alcalá (1409), Coimbra (in Portugal), Valencia (1501), and Santiago (1504). Before the universities were formalized in the thirteenth century, they had had a long-standing reputation in languages, especially Hebrew and Arabic. Then, to the arts curriculum were added the two laws, Roman and Canon, philosophy and theology—the “ancient” problems.

The ancient problems discussed in the universities included the intellectual grounding of the political system of medieval Europe, in particular the rights and autonomy of the independent bodies, the estates. The theory and practice of representative institutions were a significant contribution by the thinkers when the medieval universities were taking formal shape. Drawing on the methods of election in the Benedictine Rule as distributed widely by the Cluniac Reform Movement, by the Cistercian and Augustinian rules,

and finally, the model of representation in the new Order of Preachers (Dominicans) for the English House of Commons, the theory and practice of representation in the civil sphere were widely discussed. Similarly, application was made to the ecclesiastical sphere by the theoretical contributions of Conciliarism.

The Contributions of the Iberian Schoolmen

From the late-fifteenth through the mid-seventeenth centuries, Iberian universities rivaled Paris as the center of European learning. We mentally combine these Iberian universities when we speak of the School of Salamanca, as the primary university that educated most of the faculties in Iberia. They dealt with modern problems because these were presented by the “discoveries.” The Italian navigators who sailed on behalf of the Atlantic countries (Castile, Portugal, France, and England) brought to the European mind the discoveries of India, Brazil, and North and South America in a few years. These discoveries had an immense intellectual impact on Europe.

Furthermore, the discoveries had a direct and profound impact on Iberian intellectual life. As the disputations before official bodies by Las Casas show, they prompted major discussions regarding the relations and treatment of the Native Americans. This was accompanied in the universities with studious investigations of the moral implications of the discovery of these “peoples of the New World.” Thus, mod-

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ern economics, human rights, and international law were founded in the Iberian universities of the sixteenth and seventeenth centuries. This was no minor achievement. The greatness of the School of Salamanca is now receiving the recognition as a world-class intellectual center that it deserves. The Salamanca contribution to modern economics has been signaled by F. A. Hayek, along with Hayek’s former student, Marjorie Grice-Hutchinson, professor of economics at the University of Malaga.

The contribution of the School of Salamanca in international law has long been noted. Their focus on human rights and individual rights has received a fresh, scholarly recognition. There are dozens of Iberian writers who could be mentioned. A few who should be are: Francisco de Vitoria

(1480–1546), Domingo de Soto (1494–1560), Martin de Azpilcueta Navarrus (1493–1586), Diego de Covarrubias y Leiva (1512–1577), Luis de Molina (1535–1600), Juan de Mariana (1536–1624), and Francisco Suarez (1548–1617). James Gordley's important book, *The Philosophical Origins of Modern Contract Doctrine*, notes:

A synthesis between Roman law and Aristotelian and Thomistic moral philosophy was finally achieved in the sixteenth and early seventeenth centuries. It was part of a larger intellectual movement: the revival of Thomistic philosophy. The movement began in 1503, when a professor in the University of Paris named Pierre Crockaert underwent an intellectual conversion.... In 1512 he published a commentary on the last part of Thomas's *Summa Theologica* with the help of his pupil Francisco de Vitoria. Vitoria returned to his native Spain where, as a professor at the University of Salamanca from 1526 until his death in 1546, he founded the so-called Spanish natural-law school.

Human rights became the focus of the writings of the School of Salamanca because of the practical questions sent to them by the missionaries in the New World. Once the humanity of the Native Americans had been vindicated, the matter of their having the right to elect or reject the missionaries' offering of Christianity became paramount. One of the

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important contributions of the School of Salamanca was the defense of the freedom of the human will in the sixteenth-century debates concerning free will and determinism. Thus, the free choice of the individual was central to their discussion.


The individual conscience has been viewed as the source of moral choices ever since the School of Salamanca. The individual conscience is free to elect or to reject commonly accepted standards of morality. Successful civilizations have been those in which a majority of people accepted the commonly accepted standards of morality. Unsuccessful civilizations have not seen a majority of people follow the commonly accepted standards of morality.

The twentieth century has provided an important model of unsuccessful civilizations—the socialist societies. These societies claimed to offer an alternative to historically successful societies—a better alternative. Socialist societies were built on an overwhelming stress on state power and the negation of individual choices. Alongside the system of coercion, the socialist societies claimed to have substituted moral goals for material rewards. People would produce for moral goals what they would not have for material rewards. Of course, reality showed that this is impossible. Moral incentives do not produce material products superior to those produced for material goals.

Return to Liberty, Restoration of Morality

The so-called moral goals were not moral at all. How could they be, if they were based on coercion? Beyond that, if they were based on what is contrary to all we know about human nature. Thus, socialists have always claimed that they are able to transcend human nature to something superior in morality—the New Man, or the New Socialist Man. Yet they have not been any more successful than other utopias. We will not be able to achieve a return to liberty, to a market society, without a restoration of morality. But a special infusion of morality to achieve liberty will be temporary if it is not successful in restoring the market, or liberty.

The complexity of human nature reveals itself in the relationship of morality and liberty. We would prefer to live in an idealized world—a utopia—in which each person is moral solely because that is the right behavior. Sad as it might be, that is not the reality that God has given to us. Humans are not motivated by pure spiritual purposes. Humans are not moral simply because that is the correct behavior. We have

seen civilizations continue to decline when no effort was made to reverse the wrong paths that people had chosen. The legacy of the Salamanican schoolmen and their understanding of the link between liberty and morality provide a ready guide to help us avoid the same fate. 

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