

## CONQUISTADOR IN WHITE

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ON THE EVE of the epoch-making discovery of America, Francisco de Vitoria was born in Spain.<sup>1</sup> While he was still a boy, his parents moved to Burgos, the political and intellectual capital of Castile. At Burgos was the Dominican Convent of San Pablo. Attracted by the piety, learning, and preaching of the Friars there; drawn by their ideal, devotion to truth; and encouraged by his brother, Diego, already a Dominican, Vitoria applied for admission to the Novitiate. Upon his profession of vows, a year later, he was sent to the Convent of St. James in Paris where, after his courses in Theology, he was ordained priest.

When he arrived at Paris, he found the University's intellectual life decadent. The theologians constantly engaged themselves in philosophic subtleties, hair-splitting distinctions, and purely speculative questions, giving no thought to the practical problems of the day. They knew of the discoveries of America, Venezuela, and of the conquests of Puerto Rico and Cuba, and should have coped with the new problems of morality these discoveries raised; but, men and morals did not concern them. Like them, their method of teaching, in general, was formal, stilted, and lacked interest and novelty; their language was worse. Of the sad conditions existing at the University, Erasmus with biting sarcasm wrote: "Are there any brains more imbecile than those of the theologasters? I knew nothing more barbarous than their speech, more coarse than their understanding, more thorny than their teaching, more violent than their discussions."<sup>2</sup>

But Vitoria did not fall victim to these unfortunate circumstances; rather, he rose above them, keeping his goal always before him—newness of approach to old problems and application of old principles to new problems, beauty of style, and the freedom of truth from the bondage of formalities and subtleties.

Fortunately, Vitoria had the renowned Dominicans, John Fennarius and Peter Crockart, as professors. Peter Crockart, formerly a

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<sup>1</sup> Authors disagree on the date of Vitoria's birth. Fr. L. Getino, O.P., Vitoria's most reliable biographer, fixes the date between 1483 and 1486.

Vitoria, the town of Francisco's birth is Spanish, not Italian; it is spelled either Victoria or Vitoria. Outside of Spain, when used as Francisco's surname, it is often inaccurately Italianized into Vittoria.

<sup>2</sup> *The Classics of International Law, Victoria*, edited by James Brown Scott. Introduction (Tr. John Pawley Bate) by Ernest Nys. Washington, Carnegie Institution, 1917. p. 67.

Nominalist, but now an ardent lover of St. Thomas Aquinas, gave him his solid foundation in theology. The humanists who were at the University aroused in him a greater love of the Classics, gave him certain ideals which he later expressed more refinedly, and opened his eyes to the needs of the people in a new and enlarged world.

Vitoria saw that theology, especially moral theology, could no longer remain separated from current affairs, from the actions of men and nations. He knew that moral theology to be vital must be applied to individual cases; otherwise, it would lose all its force and become only a consideration of opinions. So, far from staying in the clouds, he turned his mind more and more to current problems. As a result he surpassed his contemporaries in the knowledge of world affairs and became the prime internationalist of his day.

In 1513, a general chapter of the Order, quickly realizing Vitoria's potentialities, designated him for higher studies; two years later, the Order confirmed him in the office of lecturer on the "Book of Sentences" of Peter Lombard; and finally, it appointed him professor in *Magnis Scholis*, where he taught until 1520 when he was admitted by the Sorbonne. The next year he received the degree of licentiate in theology.

The reputation of Vitoria spread. It passed over the Pyrenees where the Spanish Dominicans were watching with eagerness Vitoria's success. They were waiting for an opportunity to call him back to their own peninsula; and in 1523, the opportunity came. The Master General, a Spaniard, appointed him master of studies at St. Gregory's, Valladolid. After three years here he became *prima* professor at Salamanca.

At the death of Pedro de Leon in 1526, the *prima* chair of theology at Salamanca became vacant. Being a chair of great importance and dignity, it was the envy of all the professors. Its importance is shown by the fact that the professor who held it conducted his classes at the hour of prime, or six in the morning, the first class of the day; its dignity, by the professor's required qualities, his reputation, personality, and method of lecturing. Upon the request of his superiors, Vitoria competed for and won the chair, holding it until his death twenty years later.

When Vitoria became the *prima* professor, Salamanca was fighting to retain its title as the greatest University in Spain. The demands of Spain's European and American wars were draining the Universities of their young students. Learning was considered great; but the art of fighting, greater. Too, the very prestige of Salamanca was threatened by the magnificence and promise of Cardinal Cisneros's new

University. Added to these difficulties was the constant danger of interference by the Emperor or Pope.

Undaunted by these obstacles, Vitoria began working ceaselessly to build up the reputation of the University. He set up new scholarships to attract more students, especially religious; freed the university from papal and imperial interference; and so restored and vitalized theology that the prestige of the University arose anew and far surpassed any that it ever enjoyed, thus making him Salamanca's second founder.

No sooner had Vitoria begun to lecture at the University than he had to defend Erasmus against the violent attacks of his enemies. Though endowed with a brilliant mind and great literary gifts, Erasmus was not a deep thinker, and consequently, not the right man to defend the Church in its critical moments. Though he was considered by many, including Pope Clement VII, a great defender of the faith, he unwittingly went to extremes in denouncing the abuses, going so far as to attack legitimate religious practices.

But if Erasmus had friends, he had enemies, too. Headed by Vitoria's brother, Diego, the theologians of Spain were planning an attack against Erasmus. Learning of the plot and hoping to prepare him for it, Juan Luis Vives wrote Erasmus to seek Vitoria's help. "Diego Vitoria," he wrote, "has a brother, Franciscus de Vitoria, like him a Dominican, a Theologian of Paris, a man of genuine reputation, in whom much confidence is placed; more than once he defended you at Paris before numerous theologians; from his childhood he has occupied himself with literature; he admires you, he adores you. He is a teacher at Salamanca, where he holds what is called the primary [*prima*] chair."<sup>3</sup>

Erasmus' appeal to Vitoria was too late to avert the impending storm in Spain. Already the Dominicans had struck the first blow. The Friars, followed by other Religious Orders, preached so eloquently against Erasmus that the people rioted in the streets. Things came to such a state that the Inquisitor general of Manrique had to call an assembly to settle the whole issue. Though Vitoria was among those who defended Erasmus, the assembly terminated in the defeat of Erasmus.

The Erasmian question finished, Vitoria returned to Salamanca where he worked tirelessly to restore theology as the queen of the sciences. For him, no branch of knowledge escaped the influence of theology. In the place of the *Sentences* of Peter Lombard, he intro-

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Nys, *op. cit.*, p. 79.

duced St. Thomas Aquinas' *Summa Theologica* and wrote excellent commentaries on tracts of it. With scrupulous care, he prepared his lectures; and to keep them fresh, lively, and up-to-date, he tore them up each year and prepared them anew. He introduced a system of dictation whereby the students could more easily preserve his comments and explanations. Fr. D. A. Mortier, O.P. sums up beautifully the method of instruction and the qualities of the great professor. He wrote:

Franciscus de Victoria came up to all hopes, he even surpassed them. Under his powerful direction the College of Salamanca attained a position unique in Spain. His manner of teaching distinguished him from most of the other professors. Instead of the aridity of scholastic formulas, which he employed only in order to lay the bases of his teaching, he knew how to bring out eloquently their beauty and their grandeur. He did not despise elegance of diction; he loved to support the conclusions of theology by happy citations from the Fathers and by the facts of ecclesiastical history. His courses, made attractive by the grace of his language, rapidly reached universal favor. Solidity of doctrine with elegance of instruction, this is what was afforded by the long professorate of Franciscus Victoria. For twenty years he filled the chair of theology at Salamanca, from 1526 to 1546, that is, until his death. He had the shaping of most illustrious disciples: Melchior Cano, Domingo Soto, Bartholomew of Medina, and many others boasted of having had him for their master. It was he who, according to their own admission, as well as according to the admission of savants outside the Order, restored theological teaching in Spain; it was he who, uniting solidity of doctrine to a literary style, provided the method which it was necessary to follow in order to win back for theology the place of honor. He did not write, but his disciples, greedy to hear him, piously gathered together his learned discourses. At least some of them were subsequently published.<sup>4</sup>

Vitoria did restore theology to its place of honor, but not without a fight. Every reformer must expect opposition, and Vitoria was a reformer. The opposition came when he began discussing publicly the policies of Spain. At the University there was a custom which allowed the professor to discuss publicly the subject matter he covered during the year. These discussions or debates were called *Relectiones* or readings. During them, Vitoria took up the cause of the Indians, attacked certain claims of the Emperor, and condemned the atrocities committed by the Conquistadores.

About the atrocities and the abuse of benefices, Vitoria wrote to

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<sup>4</sup> D. A. Mortier, O.P., *Histoire des maitres generaux de l'Ordre des Freres Precheurs*, vol. v (Paris, 1911), p. 379-380. Quoted from Nys, *op. cit.*, p. 70.

Father Arcos:<sup>5</sup> “. . . Owing to my lengthy studies and extensive experience, I am no longer startled or shocked by any of the questions which come to my attention, with the exception of benefices held through trickery, and events in the Indies,” at the thought of which “my blood runs cold.”

Vitoria tried to avoid discussing the questions of benefices and the conquerors of Peru. But it was impossible to hide his true feelings, especially, when the group enjoying the benefices appealed to the Vatican, saying that Vitoria was questioning Papal acts; and those of the other group informed the Emperor that imperial policies in the Indies were being criticized. To these attacks, Vitoria answered: “I acknowledge my fault; for in so far as I am able, I avoid quarrelling with these people. But if, in the end I am absolutely compelled to give an unequivocal answer, I shall state my true opinion.” The end inevitably came, and with it came his readings (*Relectiones*) “On the Indians Recently Discovered” (*De Indis*), in which he presents the false and true titles alleged by the conquerors, and “On the Law of War” (*De Iure Belli*).

When the Emperor, Charles V, heard about the *Relectiones*, he was furious. The man who had once counselled him in delicate matters of conscience and in important public affairs now became the victim of his wrath. Without waiting for a publication of the *Relectiones*, he wrote the following letter to the prior of San Esteban, who, at that time, was Dominic Soto, the *vespera* professor.

I have been informed that certain clerics who are teachers in your monastery, have taken it upon themselves to discuss, in their sermons and dissertations, Our right to the isles of the Indies and to the lands across the ocean; and also the force and validity of the reparations which have been and are being made within Our domains, under the authority of our Most Holy Father, [the Pope]. Since the treatment of these matters, unknown to Us and without previously advising Us of such a discussion, is not only extremely pernicious and scandalous, but might also result in grievous impiety toward God, in disrespect towards the Apostolic See and the Vicar of Christ, and in injury to the Royal Crown of these domains, We have resolved to recommend, and do recommend and command, that hereupon and without delay, you shall summon to your presence the said teachers and clerics who have dealt with the above-mentioned subjects or with any phase of those subjects, whether in sermons, or in dissertations, or in any other manner whatsoever, either publicly or secretly; and that you shall receive from them a deposition, made under oath, concerning the times, places, the auditors of the discussions and affirmations aforementioned. . . . You shall com-

<sup>5</sup> *Francisco De Vitoria and his Law of Nations*, by J. B. Scott, Oxford, Clarendon Press, 1934, pp. 78-79.

mand the [clerics and teachers] in question to refrain, now and at all future times, from engaging in discussions, sermons, or debates, without Our express permission, regarding the topics to be printed. And if my bidding in this matter be disregarded, I shall consider that a grave offence against me has been committed, and shall take such steps as the case demands."<sup>6</sup>

But the royal wrath soon cooled in the face of Vitoria's courageous presentation of the truth. The Emperor again turned to Vitoria, requesting an opinion on the conversion of the Indians, especially about their baptism. Several years later, in 1545, he invited him to represent Spain at the Council of Trent. Vitoria had to refuse because of his health. He wrote to Prince Philip:

. . . I should indeed rejoice to form part of an assemblage which, as we all hope, will labour to the glory of God, and the great benefit and relief of all Christendom. However, (blessed be the name of the Lord in all that He brings to pass!) I find myself in a condition better suited to one who departs for the next world, than to one who would set forth on a journey to any region of this world; since I have not been able to take a single step for a year, and it is only with extreme difficulty that I can be moved from one spot to another.<sup>7</sup>

Within a year, he was dead.

Vitoria was dead; but not his spirit. That spirit was alive in his disciples, giving them fresh energies and filling their minds with new ideals. The illustrious Melchior Cano, the two Sotos, and Alfonso Garcia Matamoros, a few among the host of Vitoria's disciples, joined together to pay tribute to their master. Said Melchior Cano:

What doctrine I have worthy of the approval of the wise, what skill I have in the judgment of men and things, what literary culture I have above other scholastics and utilize in my works—doctrine, judgment, and eloquence I owe all to this man, whom I have followed as my chief and to whom I have yielded obedience, giving careful heed to his precepts and his admonitions. . . . The principles which I teach belong as much to my master as to myself and more; I am bound to render him this justice. I desire that the wisdom of this illustrious man be proclaimed and known to posterity. Although I acknowledge myself to be much inferior to him, I wish to render him, as best I can, the thanks that I owe him. I also beg future readers of my works to believe that my master was infinitely greater than I can say.<sup>8</sup>

Thanks to his disciples, Vitoria's spirit was kept alive and handed on to succeeding generations. Four centuries have felt but not realized his influence in the field of international law. Today, however, legal

<sup>6</sup> Scott, *op. cit.*, pp. 85-85.

<sup>7</sup> *ibid.*, p. 87.

<sup>8</sup> Nys, *op. cit.*, pp. 70-71

philosophers, jurists, and historians, have been forced to pay homage to him.

Only forty years after his death, we find Hugo Grotius, the first to devote himself entirely to the study of international policy, thoroughly acquainted with Vitoria's works, usually paraphrasing or at times quoting his very words.<sup>9</sup> As a matter of fact, Grotius agreed with nearly every proposition laid down in Vitoria's "On the Law of War."<sup>10</sup> He called Vitoria a "theologian of sane judgment"<sup>11</sup> and acknowledged in the prolegomena of his *De Iure Belli ac Pacis* that he consulted him. If Grotius excelled in philosophy, says Hermann Conring, "and produced the incomparable book, *De Iure Belli ac Pacis*, he owed it to his reading of the Spanish jurists, Ferdinand Vasquez and Diego Covarruvias, who had in their turn made use of the work of their master, Franciscus a Victoria."<sup>12</sup> Until recently, Grotius' direct indebtedness to Vitoria had not been fully recognized.

In the nineteenth century, the authors of International Law could not help but acknowledge Vitoria's greatness. Henry Wheaton, in his *History of the Law of Nations in Europe and America* praised Vitoria and devoted seven pages to an analysis of the *Relectiones* in relation to the law of nations. The great legal philosopher and jurist, James Lorimer, has praised the Spanish writers of the sixteenth century in general and Vitoria in particular, and has given a reason why Vitoria has not held a higher place in International Law. Wrote Lorimer: "The fact is, ever since the Reformation the prejudices of Protestants against Roman Catholics have been so vehement as to deprive them of the power of forming a dispassionate opinion of their works, even if they had been acquainted with them, which they rarely were."<sup>13</sup>

In spite of such prejudice, Vitoria has survived four centuries—not only because he was a jurist, philosopher, internationalist, and humanitarian; but also because he was a great theologian and moralist. A contemporary of Francisco de Vitoria called him "the splendor of the Order of St. Dominic, the honor and the ornament of theology, the model of ancient religion." Francisco, he continued, "calls down theology from heaven as Socrates in ancient times called down philosophy."<sup>14</sup>

<sup>9</sup> *Francisci de Victoria de Iure Belli Relectio*, a Doctoral Dissertation by Herbert Francis Wright, Washington, 1916, p. 20.

<sup>10</sup> *loc. cit.*

<sup>11</sup> Wright, *op. cit.*, p. 18.

<sup>12</sup> Nys, *op. cit.*, p. 98.

<sup>13</sup> Nys, *op. cit.*, p. 99.

<sup>14</sup> *ibid.*, p. 71.