

A MAN OF THE TIMES

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IT HAS been said that "the times makes the man" and that men makes the times." This was certainly true in the case of Francisco de Vitoria, for the years during which he lived saw great changes which could not but help affect the men of his day. Furthermore, Francisco de Vitoria was a man of the times who could take advantage of these changing events to fulfill the role which Providence had given him.

When Francisco de Vitoria was born in 1486 in Spain, Europe was united spiritually. Christianity and Catholicism were one and the same thing. From Ireland in the far west to Poland in the east, from the peoples of the Arctic Ocean to those on the sunny Mediterranean Sea, this remarkable unity was evident among the mass of the inhabitants. Theology was still regarded as the greatest and most inclusive of the sciences. Because people looked upon membership in the Church as a preparation for a future life, they were content to be guided by the doctrines on which her theology was based. The practical acts of their everyday life had a bearing upon the spiritual world which was their ultimate goal. Hence, every act, individual or political, was submitted to one and the same moral standard. The right or wrong of the matter did not depend upon the person, but upon the intrinsic nature of the act and its necessary consequences. For the layman of the sixteenth Century, the theologian was the teacher appointed by the Church, and his ruling was law in those matters which pertained to man's eternal salvation. Thus Vitoria, one of the greatest theologians of his day, was not at all an extremist for holding that no question could be decided adequately without recourse to this science. Theology, in a word, functioned in everything; nothing was alien to it. The vigor of its influence, together with that of its handmaid, scholastic philosophy, was but one of the signs of the remarkable unity among the people of those times.

In Spain, Vitoria's birthplace, spiritual unity has been achieved when the Moslems were finally driven out of their last stronghold in the extreme south of the country. As early as the eighth Century, Islam had conquered almost all of the Iberian peninsula. But, little by little, the Spaniards wrested their land from the Moslem invader. Finally, on January 2, 1492, Boabdil, the last of the Moorish Kings in the country, surrendered to Ferdinand and Isabella at Granada.

These two sovereigns completed the territorial and spiritual unity of their country. Their pride in these achievements was justifiable. But they were especially proud of their religious successes and gloried in the title "Their Catholic Majesties." This was typical of their age of faith.

Not only was Europe united spiritually but it also had a certain political unity at the period of Vitoria's birth. This unity, which had been brought about chiefly by the Church and the Holy Roman Empire, gradually weakened. At the beginning of the sixteenth century, national political states were starting to come into existence. This resulted chiefly from the breakdown of the Holy Roman Empire. People of one nationality with their distinctive language, literature, and patriotic spirit, formed the core of each new national monarchy. Practically every one of these governments showed a very marked inclination toward monarchical absolutism.

Among these new states, modern Spain had resulted from the marriage of Ferdinand of Aragon with Isabella of Castile. After the Moslems had been driven out, Ferdinand worked to consolidate his country's gains and to further Spanish influence in international affairs. More and more, he became an absolute sovereign. When he died in 1516, he left his grandson, Charles, a well-knit kingdom which included the newly-discovered lands in America. Charles, through his paternal grandfather, Maximilian of Austria, inherited the Netherlands as well as the right to be elected Holy Roman Emperor. Soon afterwards, he acquired this coveted honor. Thus, as Charles V, King of Spain and Holy Roman Emperor, he ruled an extensive dynastic state, and Spain's position was immeasurably enhanced. Truly, her Golden Age was well under way.

If the times in which Vitoria lived were remarkable in the political sphere, they were equally famed as the Age of Learning. The recent invention of printing helped to diffuse rapidly this renaissance learning. All over the continent, an important intellectual quickening was evident in the renewed interest taken in classical learning and in humanism, in the cultivation of art and the flowering of national literatures, and in the progress of science. The latter, however, did not reach its full development until the advent of Francis Bacon who lived in the latter half of the sixteenth Century.

Humanism, although it began as an appreciation of the writings of classical antiquity, soon became inimical to the Christian way of life. From an imitation of the classical styles of the ancients, humanistic scholars went on to accept the paganism and immorality contained in the new learning. There then resulted a gradual neglect of

the moral and dogmatic teachings of Christianity. Scholasticism was considered worthless, and the high place of Christian theology was held up to scorn. The most cherished Christian traditions of self-sacrifice and self-denial and the long established Christian institution of monasticism were made light of and criticized by the "intellectuals" of the day. The indifference in religious matters which humanism promoted has lasted to this day. The habits of thought and behavior which have been abiding characteristics of modern civilization have remained as a last vestige of that institution long after the absorbing interest in the classics has been lost. The foremost exponent of humanism, Erasmus, corresponded with Francisco de Vitoria, who has been called a humanist because he was a man of the humanistic learning. This means simply that Vitoria was a man of his day and generation, well acquainted with the learning then in vogue. That Vitoria was a humanist in the sense that he held that the charm of the classics was essentially in their humanness, i.e., the natural and the sensual, to the complete exclusion of the supernatural and the theological, is ridiculous and unthinkable.

The age of Vitoria also had its scientific discoveries. In astronomy, the Copernican theory, which reversed the opinion held since the second Century that the Earth is the fixed center of the universe, was being admitted. The invention of the mariner's compass and the other advances in navigation were also both aids and incentives for the greatest discovery of all—that of America. And for the subjugation of America's inhabitants, the discoveries of gunpowder and of ways of making heavier artillery were indeed opportune. These latter discoveries also helped in the subsequent enlargement and solidification of the powerful modern State. After the invention of gunpowder, wars became more bloody and more international. Of this fact, Vitoria had firsthand knowledge from the almost constant wars which his sovereign, Charles V, was waging.

Of all the discoveries of that age, however, there was none that surpassed that of the intrepid Columbus. It was an international event that changed and shaped history as few others—if any—have done. The results it had on the history of the world can never be fully estimated. Through it, there was a tremendous increase in commerce and shipping, the sole beneficiary of which was Spain, Vitoria's homeland. The economic expansion which resulted made Spain second to none in wealth and prestige. But the newly-discovered lands also added to the theatre of human activity many political and economic problems. Rivalry between the different exploring nations increased wars and rumors of wars on the home continent as well as across the sea.

From 1492 on, there were new discoveries in America practically every year. Following the discoveries, conquests of the lands and their people were made. The table of these epochal events reads like a litany. In 1499, Venezuela was discovered by Alonso de Ojeda; during the same year Vincente Yañez Pinzon had come upon the Amazon River. The conquest of Peru took place in 1508; that of Cuba, two years later. In 1512, Florida was discovered. The following year, Balboa had reached the Pacific. In 1514-15, Solis discovered Argentina. Cortez landed in Mexico in 1519 and began his conquest of that land, completing it during the next year. During the years 1520-22, Magellan, with his Spanish sailors, circumnavigated the globe for the first time. In 1530, Bolivia was discovered. The same year, the exploration of the Amazon River took place. In 1531 occurred Pizarro's conquest and looting of Peru, the land of the Incas. The exploration of a great part of what is now the Southern United States was undertaken in 1539 by Hernando de Soto.

With the explorers went the missionaries, who were to make spiritual conquests where others had conquered by blood and steel. In 1510, the first Dominican missionaries were sent to America. They continued to bring back to Spain fresh news of the spoliation of the lands of the Indians by the conquistadores. Soon the conduct of the conquerors had become common knowledge. These missionaries naturally appealed to the theologians of their Order to settle questions of morality which concerned their charges in New Spain. Already in 1512, two years after the Dominicans first went to evangelize the Indians, a conference was held at Burgos by the order of King Ferdinand between the Dominicans and the Franciscans to discuss points of colonization. A similar conference was held at Barcelona in 1518.

The great apostle of the Indians, Bartholomew de las Casas, O.P., had first defended the rights of the natives in 1514. This great missionary crossed the Atlantic no less than seven times to make his personal plea for the Indians to the King of Spain. The ensuing reforms which the King brought about through a commission of theologians and jurists formed a precedent which Vitoria followed later on when dealing with similar questions. It is interesting to note that all theologians, without exception, held that the Indians were the rightful owners of American soil.

Francisco de Vitoria lived while all these occurrences were taking place. Not only did events overseas influence the life of the University of Salamanca while he was there. Especially, Charles V's unceasing wars on all the battlefields of Europe and Northern Africa were provoking profound discussions among the theologians. The rise of Prot-

estantism with its attendant political as well as spiritual ramifications, England's ambitions in the field of international politics, the religious wars which were then convulsing Europe, in addition to the troubles in the New World, (which was New Spain to the Spaniard), were affairs that held the attention of every Spaniard, whether theologian or not.

The discovery of a New World introduced a need for more laws to regulate the conduct between homeland and colonies and between nation and nation. The depredations of the unscrupulous Cortez in Mexico, where he spread death and destruction far and wide, and still more, the inhuman treatment of the Incas of Peru by the more brutal and cruel Pizarro, called for stringent laws to deal with such lawless conquistadores. The conquest of these rich countries and the methods used to subdue the natives caused many doubts as to the lawfulness of these acts. And even granting the lawful acquisition of territory overseas, rulers still had to know what treatment was just and honorable for their newly acquired subjects. And at home, the jealousy which gripped the rival colonizing countries called for more definite restatements of principles for the conduct of inter-state business. These were the problems that vexed the minds of leading jurists and theologians of that day. Especially the moral problems raised by the discovery of America gave Vitoria, as they did all other theologians in Spain, an opportunity to try to solve these difficulties. Vitoria's solutions, however, although given for the particular problems on hand, were broad enough to have universal application. In short, Vitoria unconsciously became the founder of the modern law of nations. This was accomplished by his spectacular revelation to the world that the same principles of justice expressed in the same rules of law were applicable alike to the civilized nations of Europe, the primitive peoples of America, and indeed to all other peoples of the world.

Francisco de Vitoria was well prepared as a moralist to prescribe for his times. After having heard about and seen the problems of his times, Vitoria brought to the study of them an acute mind and a fine basic training imparted by excellent teachers. As a member of the Dominican Order, he had had the advantages of an excellent training in scholastic philosophy. This study equipped him with a fine method for exposition of doctrine and gave him broad training in the field of controversy. Employing the syllogism to the best effect, Vitoria devised a method which was most applicable and useful in law then as today. Added to his study of philosophy was his training in theology. Here he had the advantage of studying the *Summa Theologica* of St. Thomas Aquinas. So much did he follow the Angelic Doctor's teach-

ing on law and on war, that Vitoria is considered the link between St. Augustine and St. Thomas on one hand and the later Christian school of international jurists which followed him and developed his principles.

In a letter written in 1534, Vitoria condemned vehemently the early conquests of Pizarro in Peru and the imprisonment of the Inca chief, Atabalipa. Earlier, in 1532, he had given his series of readings on the relations of Spain to America. These were the famous disquisitions on the dealings of the Spaniards with the Indians. In them, Vitoria conceived a single moral standard applicable to all men and to State and man alike. Many authorities look upon these lectures of Vitoria as the foundations of modern international law, although his famous lectures on the Indians (*De Indis*) and the lectures on the morality of war (*De Jure Belli*) did not appear until 1539. Vitoria's Doctrine completely refuted the thesis of Machiavelli that the State and the relations of States had no relation to morality. Machiavelli in his celebrated book, *The Prince*, (1513) had made every monarch an absolutist with his doctrine that the will of the king is law. His arguments that the king is superior to constitution and parliament, that no moral or religious considerations can hamper his power and that he may employ any means including murder to advance or safeguard his rule, fostered a despotism that undermined the Church's moral arm.

During the years 1538-39, Emperor Charles V corresponded with Vitoria and invited him to resolve certain doubts put forward by the Franciscan John de Zumárraga, first archbishop of Mexico. These doubts concerned the evangelization and education of the Indians. Indeed, the Emperor personally attended the *lectiones* of Vitoria, although he took offense at certain doctrines of the Master. He even went so far as to attempt to forbid Vitoria to teach on such matters. This did not deter Vitoria, however, for he was a defender of the poor, true champion of justice, and entirely free of any respect for persons.

In that age of internationalism in which he lived, Vitoria was eminently fitted to become the founder of modern international law. The events were there. America had been discovered. The conquistadores were claiming that their ruthless methods were justifiable. What was the answer? Who would give that answer?—"There was a man sent from God. . . ." Melchior Cano, one of Vitoria's greatest pupils, and others since then, firmly believed that God raised up Francisco de Vitoria to show men the truth again. Only in Spain could such a man be found. Elsewhere on the continent, the Reformation had brought about a complete severance between morals and politics, thus

causing theology's fall from her regal throne. Even among Catholics, the prevalent theories of humanism and of revolt were promoting indifference to Christian moral teachings. Spain alone had a flourishing school of theology at the University of Salamanca. Here it was that Francisco de Vitoria was to revive sound principles of theology and make them adequate to the conditions then existing. His doctrine succeeded because it was a Christian's view of the world. More important than that, it was and is God's view of the world. For the principles which Vitoria used as the basis of his treatment of his subject matter in *De Indis* and *De Jure Belli* have an ever-present, universal and practical application, irrespective of continents and races and times. The political and historical times of today have shown a need for employing a sound international law such as Vitoria proposed during his time. That great Dominican's principles are fundamental and must rule the relations between nations today. Whatever applications may be necessary must come through the schools of Christian jurisprudence which have carried on in the spirit of Vitoria's monumental work.