

INTRODUCTION - RECEPTION AND DEVELOPMENT
OF ARISTOTLE'S POLITICAL THOUGHT IN IBERIAN
AND LATIN AMERICAN SCHOLASTICISM,
16TH-18TH CENTURIES

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This volume of *Patristica et Mediaevalia* (2017) presents a series of studies¹ focused on the reception of Aristotle's political and ethical thought in Iberian and Latin American scholasticism. The background of these studies is the research project "Reception and Development of Aristotle's Political Thought in Latin America, 16th-18th Centuries", supported by the Alexander von Humboldt-Foundation² (Germany). Such a broad topic is also a confluence of two larger previous and still ongoing projects on the history of philosophy, namely: the research on the history of Latin American scholasticism in general, including the areas of logic, philosophy of nature and metaphysics³ – directed by Roberto Hofmeister Pich and

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¹ These studies are a partial result of the colloquium "*Scholastica colonialis* – Die Rezeption der aristotelischen Politik im frühneuzeitlichen Lateinamerika", February 18-19, 2016, organized by Roberto Hofmeister Pich and Christoph Horn, at the Rheinische Friedrich-Wilhelms-Universität Bonn, Germany.

² The project has support for the period 2015–2018, in the form of an "Institutspartnerschaft" between two research groups, one from Brazil (at the Graduate Program in Philosophy of the Pontificia Universidade Católica do Rio Grande do Sul / PUCRS) and another from Germany (at the Rheinische Friedrich-Wilhelms-Universität Bonn).

³ That is, the project "*Scholastica colonialis*", which has been described in several publications, such as Roberto Hofmeister Pich and Alfredo Santiago Culleton, "*Scholastica colonialis*", *Bulletin de Philosophie Médiévale* 52 (2010) 25-45; Roberto Hofmeister Pich and Alfredo Santiago Culleton, "*Scholastica colonialis* – Reception and Development of Baroque Scholasticism in Latin-American Countries, 16th-18th Centuries. The Two First Years of a Project", *Bulletin de Philosophie Médiévale* 54

Alfredo Santiago Culleton –, and the project directed by Christoph Horn, on the many faces of the so-called “political Aristotelianism”⁴. Both projects intertwine in the ongoing research on the reception of Aristotle’s political philosophy in Latin America, during its colonial period.

The challenge of investigating the history of academic philosophy in Latin America from the beginning of the foundation of universities, in Lima, on May 12, 1551 and Ciudad de México, on September 21, 1551⁵, up to the first independence processes in Latin American continent is enormous. It has been, in a large measure, the exploration of a *terra ignota*, in all areas of philosophy⁶, and also as far as the history of academic or higher education institutions where philosophy was taught⁷ and the cataloging and inventorying of philosophical imprints and manuscripts are concerned⁸. As a matter of fact, the study of political philosophy inside the huge *corpus* of sources of colonial scholasticism must be pursued as a long term research proposal, which has not been explored in details so far. The present approach – which regards the reception of Aristotle’s political thought – is wide indeed, but, although there is room for looser forms of an “Aristotelian discour-

(2012) 21-42. Although the period in the history of philosophy of the *Scholastica colonialis* project is Baroque and Modern scholasticism, it has been mainly supported, since 2010, by the Société Internationale pour l’Étude de la Philosophie Médiévale (SIEPM).

⁴ Cfr. the description of this project and important results of it in Christoph Horn und Ada Neschke-Hentschke (Hrsg.), *Politischer Aristotelismus. Die Rezeption der aristotelischen Politik von der Antike bis zum 19. Jahrhundert*, Verlag J. B. Metzler, Stuttgart – Weimar 2008; cfr. also note 10, below.

⁵ Cfr. Roberto Hofmeister Pich and Alfredo Santiago Culleton, *Scholastica colonialis*, op. cit., 36, 39.

⁶ Cfr. the literature mentioned in note 3, above, as well as Roberto Hofmeister Pich, “*Scholastica colonialis* [Project Report] – Commission III: Latin Philosophy, Section 3 (SIEPM)”, *Bulletin de Philosophie Médiévale* 56 (2015) 103-132.

⁷ Cfr. the studies mentioned in notes 3 and 6, above.

⁸ The leading work in that regard was and still is Walter B. Redmond, *Bibliography of the Philosophy in the Iberian Colonies of America*, Nijhoff, The Hague 1972. For the conception of an Index of Latin American Scholastic Authors, cfr. Roberto Hofmeister Pich, “An Index of ‘Second Scholastic Authors’”, in Roberto Hofmeister Pich and Alfredo Santiago Culleton (eds.), *Right and Nature in the First and Second Scholasticism*, Brepols, Turnhout 2014, pp. 8-13.

se”⁹ in ethical-political texts that belong to colonial scholasticism, we want to investigate Aristotle’s presence in them in a narrower sense, i.e. by making use of and being theoretically guided by theses that quite unambiguously characterize a “political Aristotelianism”, or an Aristotelian position (or, in some cases, positions that closely resemble Aristotelian approaches) in political philosophy, such as they were once formulated by Christoph Horn. The theses are reproduced quite literally here, but in a summary form: (1) “legitimation of the state based on a theory of the good life (eudaimonism)”; (2) “derivation of political association from the erotic partnership, as well as from family and village community; the thesis of the natural character of the *polis*”; (3) “anthropology of the *zōon politikon*”; (4) “distinction of different forms of rulership; emphasis on a rulership that is specifically political”; (5) “natural law-based legitimation of slavery regarding certain individuals” and also “natural law-based legitimation of political exclusions”; (6) “discussion of different forms of constitution” and emphasis on “common welfare”; (7) “essentials of a theory of a mixed constitution”; (8) “emphasizing of the meaning of political competence”; (9) “the political virtues requirement”; (10) “principle of justice of equal treatment of equal cases, as well as unequal treatment of unequal cases”; (11) “political friendship as mutual civil relationship of recognition”; (12) “development of conceptions of public education of virtues”; (13) “recourse to a broad phenomenological basis of state orders from the present and the past”; (14) “detailed discussion of the reasons for a change in constitution; clear preferences for constitutional stability”; (15) “thorough discussion of suboptimal and non-ideal political conditions; pragmatic, mostly anti-utopian investigations of failed state forms”¹⁰.

It is not necessary to explain here why there are good reasons to believe that such theses, either by itself or altogether, should be

⁹ T. Gutschker talks of a looser form of an “Aristotelian discourse”, and thus of Aristotle’s presence, in 20th century philosophy. Cfr. T. Gutschker, *Aristotelische Diskurse. Aristoteles in der politischen Philosophie des 20. Jahrhunderts*, Verlag J. B. Metzler, Stuttgart – Weimar 2002.

¹⁰ Christoph Horn, “Einleitung: Aristoteles und der politische Aristotelismus”, in Christoph Horn und Ada Neschke-Hentschke (Hrsg.), *Politischer Aristotelismus. Die Rezeption der aristotelischen Politik von der Antike bis zum 19. Jahrhundert*, Verlag J. B. Metzler, Stuttgart – Weimar 2008, pp. 2, 4-17 (in these pages, Christoph Horn attempts to prove that Aristotle’s ethical-political works give clear support to all fifteen theses just summarized).

distinguished from clear forms of “political Platonism” as it can be grasped both from Plato’s *Politeia* and *Nomoi*. Although there is a major acceptance that Plato’s *Nomoi* shows several “affinities” to Aristotle’s political thought, there are also strong reasons to support a fundamental continuity between the middle (*Politeia*) and the late Plato (*Nomoi*) in what regards the central elements of “political Platonism”¹¹ – and, consequently, substantial differences regarding Aristotle’s way of thinking. Truly, both Plato and Aristotle are “essentialists”, “eudaimonists” and “political perfectionists”, but Christoph Horn correctly stresses that Aristotle defends a “pluralistic epistemology”, based on exactness towards the object of investigation, and therefore both ethics and politics cannot be fields for applying the most strict philosophical methods – after all, their objects are changeable. Thus, anyone philosophically interested in ethics and politics can only achieve a knowledge *ut in pluribus*: at the end, ethical and political theories can only have limited general validity. Thus, Aristotle both discovers a true practical rationality and finds in the human things – such as political relationships, life within political structures and political goals – the field of that rationality¹². How strong must be the attachment of a given author to those fifteen theses, in order to be called a sort of “Aristotelian” in politics? That question is not so easy to answer, but an author follows or reveals (explicitly or implicitly) a form of political Aristotelianism – not necessarily in all aspects of her own political philosophy, but at least in important parts or topics of it – if she shares some or several of those theses in a way that can be clearly shown or defended. The label “political Aristotelianism” should be taken as a “family theory”, and the historical research on it would find its heritage when some of the elements of that family have a clear and relevant place in post-Aristotelian authors¹³.

Granted that the research on the commentaries (*commentarii sive expositiones litterales*) and questions (*quaestiones*) on Aristotle’s *Politics* has advanced significantly in what regards the field of medieval philosophy¹⁴ – keeping in mind that it is in the Middle Ages

¹¹ Ibid., p. 3.

¹² Ibid., pp. 3-4.

¹³ Ibid., pp. 4, 17.

¹⁴ Some reference works are: F. E. Cranz, *Aristotelianism in Medieval Political Theory. A Study of the Reception of the “Politics”*, (PhD. Thesis) Harvard University,

that we find both the first two translations of the *Politica* into Latin, allegedly in both cases by William of Moerbeke (ca. 1215-1286)¹⁵, as well as the first translation of it into a vernacular language, namely French, by Nicholas Oresme (ca. 1323-1382) later in the 14th century¹⁶ –, and granted that the research on the reception of Aristotle, in the Renaissance, where in Strasburg, in 1469, the *Politics* was the first work by Aristotle to be appear as imprint¹⁷, and in modern thought broadly speaking, have advanced up to the point of being recently object of research overviews¹⁸, it must also be granted that the many aspects of the reception of Aristotle in

1938; Ch. Flüeler, *Rezeption und Interpretation der Aristotelischen "Politica" im späten Mittelalter*, B. R. Grüner, Amsterdam – Philadelphia, 2 Bände, 1992; Lidia Lanza, *Ei autem qui de politia considerat... Aristotele nel pensiero politico medievale*, (TEMA 71) FIDEM, Barcelona – Madrid 2013 (rich literature is provided in pp. 7-20, mainly in the footnotes). Cfr. also Alexander Fidora – Johannes Fried – Matthias Lutz-Bachmann – Luise Schorn-Schütte (Hrsg.), *Politischer Aristotelismus und Religion im Mittelalter und früher Neuzeit*, Walter de Gruyter, Berlin 2007; Luca F. Tuninetti, "V. Wirkung: Schulen und Epochen. 4. Scholastik", in Christof Rapp und Klaus Corcilius (Hrsg.), *Aristoteles – Handbuch. Leben – Werk – Wirkung*, Verlag J. B. Metzler, Stuttgart – Weimar 2011, pp. 428-436.

¹⁵ The first one (between 1260–1264) is a *translatio imperfecta* (*Politica* I–II, 11) and was transmitted as an anonymous translation; the second one (second half of the 1260s) is a complete translation. Cfr. *Politica, Libri I-II.11. Translatio prior imperfecta, interprete Guillelmo de Moerbeka* (?), ed. P. Michaud-Quantin, Desclée De Brouwer, Bruges – Paris 1961 (Aristoteles Latinus, XXIX.1); the "Aristoteles Latinus XXIX.2" is still in preparation, the one that is used so far is *Aristotelis Politicorum libri octo, cum vetusta translatione Guillelmi de Moerbeka*, ed. F. Susemihl, Teubner, Leipzig 1872. On these medieval latin versions and the introduction and reception of the text in medieval thought cfr. J. Dunbabin, "The Reception and Interpretation of Aristotle's *Politics*", in N. Kretzmann – A. Kenny – J. Pinborg (eds.), *The Cambridge History of Later Medieval Philosophy. From Rediscovery of Aristotle to the Disintegration of Scholasticism*, Cambridge University Press, Cambridge 1982, pp. 723-737.

¹⁶ Cfr. J. Dunbabin, "The Reception and Interpretation of Aristotle's *Politics*", in N. Kretzmann – A. Kenny – J. Pinborg (eds.), op. cit., p. 730. Cfr. on Nicholas Oresme J. Krynen, *L'empire du roi. Idées et croyances politiques en France (XIII^e-XV^e Siècle)*, Gallimard, Paris 1993; S. Pyron, *Nicolas Oresme: violence, langage et raison politique*, European University Institute (Department of History and Civilization), Firenze 1997.

¹⁷ Eckhart Schürtrumpf, "Politische Schriften", in Christof Rapp und Klaus Corcilius (Hrsg.), *Aristoteles – Handbuch. Leben – Werk – Wirkung*, J. B. Metzler, Stuttgart – Weimar 2011, p. 153.

¹⁸ Cfr. the literature mentioned in notes 4, above, and 32, below.

Second and Modern Scholasticism¹⁹, here in particular in its Latin American face, have not been so far the object of much more than explorations of the most explosive topics that characterized 16th century debates on conquest and slavery, raised by the discovery of New World²⁰.

Truly, in the first year of our research project, we emphasized one central area of interest regarding the presence of Aristotle's political thought in Latin American colonial debates, i.e. the conceptions of "rulership" (*dominium*) and the problem of slavery broadly taken. This phase of investigation was characterized by a careful revision of theoretical presuppositions and sources of Latin American thought, such as the works by thinkers of the so-called "School of Salamanca" initially led by authors such as Francisco de Vitoria (1483-1546)²¹ and Domingo de Soto (1494-1560)²² – who (particularly Vitoria) defended a universally shared human status,

¹⁹ On these historiographical notions, cfr. Roberto Hofmeister Pich, "An Index of "Second Scholastic Authors", in Roberto Hofmeister Pich and Alfredo Santiago Culleton (eds.), op. cit., pp. IX-XIV.

²⁰ Cfr., for example, Lewis Hanke, *Aristóteles e os índios americanos*, Livraria Martins Editora, São Paulo 1955; Giuseppe Tosi, "Aristóteles e os índios: a recepção da teoria aristotélica da escravidão natural entre a Idade Média Tardia e a Idade Moderna", in Luis A. De Boni e Roberto Hofmeister Pich (orgs.), *A recepção do pensamento greco-romano, árabe e judaico pelo Ocidente medieval*, Edipucrs, Porto Alegre 2004, pp. 761-775. Several possible areas of interest for the research on the reception of Aristotle's political thought in Baroque scholasticism were sketched, having Francisco de Vitoria as a starting-point, in the important study by Norbert Brieskorn SJ, "Spanische Spätscholastik: Francisco de Vitoria", in Christoph Horn und Ada Neschke-Hentschke (Hrsg.), *Politischer Aristotelismus. Die Rezeption der aristotelischen Politik von der Antike bis zum 19. Jahrhundert*, Verlag J. B. Metzler, Stuttgart – Weimar 2008, pp. 134-172. The topics of rights of resistance, political stability and tyrannicide have been object of increasing interest; the *status quaestionis* and an updated bibliography on that issue is offered by Lucas Duarte Silva, *O direito de resistência e o tiranicídio no pensamento político de Juan de Mariana: contextualização, apresentação e justificação do direito de resistência*, [PhD. Thesis] Programa de Pós-Graduação em Filosofia da PUCRS, Porto Alegre 2017.

²¹ Cfr. again Norbert Brieskorn SJ, "Spanische Spätscholastik: Francisco de Vitoria", in Christoph Horn und Ada Neschke-Hentschke (Hrsg.), op. cit., (previous note), and the rich Bibliography (pp. 169-172).

²² Cfr. Merio Scattola, "Domingo Soto e la fondazione della scuola di Salamanca", *Veritas*, 54:3 (2009) 52-70.

an idea of *dominium* of things (also political rulership) based on the *dominium* of oneself through reason and will, a natural origin of power, the rulership of the “Indians” over their things, lands and political forms of association and rejected natural slavery²³. Of course, it was impossible not to revisit the polemical works by the Dominican Bartolomé de Las Casas (ca. 1484–1566), epitomized in the *Brevísima relación de la destrucción de las Indias* (1552), who, motivated by a relentless criticism of the exploitation system of the *encomienda*²⁴, forced the intellectuals of his times to rethink the essential aspects of human status and human value²⁵, the rights of peoples, the idea that political power and government have their natural origin in the free consensus of people²⁶, the unacceptability of natural slavery, and the mistake of – assuming a natural status of weakness and inferiority by the Indians – waging just wars of conquest for political and religious purposes²⁷. It is well known the last theses were passionately defended by Las Casas, in written form and also in public debates, in fierce opposition to the intriguing opinions by the orthodox Aristotelian Juan Ginés de Sepúlveda

²³ Cfr., for example, Roberto Hofmeister Pich, “*Dominium e ius: sobre a fundamentação dos direitos humanos segundo Francisco de Vitória (1483–1546)*”, *Teo-comunicação*, 42 (2012) 376-401.

²⁴ Cfr. also Frei Bartolomeu de Las Casas, *Liberdade e justiça para os povos da América – Oito tratados impressos em Sevilha em 1552*, in *Frei Bartolomeu de Las Casas – Obras completas II*, coordenação geral, introdução e notas Frei Carlos Josaphat, Paulus, São Paulo 2010, especially “Doze Réplicas de Dom Frei Bartolomeu de Las Casas”, pp. 163-213.

²⁵ This is something to be apprehended in Las Casas emphasis on a respect for human rationality and freedom, which is an essential part of his peaceful and apostolic method of evangelization; cfr. Frei Bartolomeu de Las Casas, *Único modo de atrair todos os povos à verdadeira religião*, in *Frei Bartolomeu de Las Casas – Obras completas I*, coordenação geral, introdução e notas Frei Carlos Josaphat, Paulus, São Paulo 2005.

²⁶ Of Las Casas’s views on the origin of power and the nature of political associations, cfr. Bartolomé de Las Casas, *De regia potestate*, a cura di Giuseppe Tosi, Laterza, Bari–Roma 2007.

²⁷ Cfr. Giuseppe Tosi, *La Teoria della schiavitù naturale nel dibattito sul Nuovo Mondo (1510-1573). Veri Domini o Servi a natura?*, Edizioni Studio Domenicano, Bologna 2002; Idem, “Guerra e direito no debate sobre a conquista da América: século XVI”, *Verba Juris*, 05 (2006) 277-320; Idem, “Bartolomé de Las Casas y la guerra justa de los indios”, in Ildefonso Murillo (org.), *El pensamiento hispanico em América: siglos XVI-XX*, Publicaciones Universidad Pontificia de Salamanca, Salamanca 2007, pp. 639-649.

(1490-1573)²⁸. We should also mention that, in what concerns the ongoing research on slavery theories in 16th-18th centuries, important discoveries and interpretations have been made regarding the works by the Jesuit Alonso de Sandoval (1576-1652), Bishop of Cartagena de Indias in the first half of the 17th century. In Sandoval's works, a deep and mostly unnoticed Aristotelian background to the grounding and justification of Black slavery, based on Aristotle's views on defects of nature, abnormal instantiations of natural species and natural tendencies towards servitude, not always strictly fair to the Greek philosopher, has been identified²⁹. Though already fairly described by European and Latin American scholarship, these 16th century political subjects have a continuous importance to the project "Reception and Development of Aristotle's Political Thought in Latin America, 16th-18th Centuries". The current research has reconfirmed Lewis Hanke's thesis that Aristotle's (in)famous theory of natural slavery, though mostly uncommented and in at least one case even criticized in commentaries on the *Politica* in the medieval period³⁰, found its proper historical moment in the 16th-17th century of the New World.

²⁸ Cfr. Juan Ginés de Sepúlveda, *Democrates Segundo o de las justas causas de la guerra contra los indios*, edición crítica bilingüe, traducción castellana, introducción, notas e índices por Ángel Losada, Consejo Superior de Investigaciones Científicas – Instituto Francisco de Vitoria, Madrid ²1984.

²⁹ Alonso de Sandoval, *Un tratado sobre la esclavitud – De instauranda Aethiopum salute*, introducción, transcripción y traducción de Enriqueta Vila Vilar, Alianza Editorial, Madrid 1987. Cfr., for example, Roberto Hofmeister Pich, "Alonso de Sandoval S.J. (1576/1577-1652) and the Ideology of Black Slavery: Some Theological and Philosophical Arguments", *Patristica et Mediaevalia*, 36 (2015) 51-74; Márcio Paulo Cenci, "African Slavery and Salvation in the *De instauranda Aethiopum salute* of Alonso de Sandoval S. J. (1577-1652)", *Patristica et Mediaevalia*, 36 (2015) 75-89.

³⁰ Lewis Hanke, *Aristóteles e os índios americanos*, Livraria Martins Editora, São Paulo 1955, pp. 15-46. For expositions of the subject of natural slavery in Aristotle, cfr., for example, Otfried Höffe, *Aristoteles*, Verlag C. H. Beck, München ³2006, pp. 255-258; Pierre Pellegrin [Translated by e. Zoli Filotas], "Natural Slavery", in Marguerite Deslauriers and Pierre Destrée (eds.), *The Cambridge Companion to Aristotle's Politics*, Cambridge University Press, Cambridge 2013, pp. 92-116. The criticism by a medieval authors appears in Guy of Rimini's commentary; cfr. J. Dunbabin, "The Reception and Interpretation of Aristotle's *Politics*", in N. Kretzmann – A. Kenny – J. Pinborg (eds.), op. cit., p. 728: "[Guy of Rimini...] is, [...], the only commentator to say that the doctrine of natural slavery looks harsh to Christian eyes [...]". On the topic of slavery in general, by medieval authors, cfr., for example,

We also realize at this point that the emphases of discussion on Aristotle's *Politics* and the particularities of the interpretation of his texts and authoritative passages demand a deeper knowledge of the tradition of commenting and writing questions on his *Politica* in European Renaissance and early modernity³¹, just to mention the two major forms of literature on Aristotle's *Politica*, although other literary forms can be found³². Since authors as different as Leonardo Bruni (ca. 1369-1444), Ferdinando de Roa (ca. 1448-1507), Jean Calvin (1509-1564), Juan Ginés de Sepúlveda (1490-1573), Pierre de la Ramée (1515-1572), Peter Gilkens (1558-1616) and Bartholomäus Keckermann (1572-1609) – just to mention a few names that we find in Charles Lohr's remarkable catalogues³³ – wrote on

Luis Alberto De Boni, "Ética e escravidão na Idade Média", in Luis Alberto De Boni, *De Abelardo a Lutero. Estudos sobre filosofia prática na Idade Média*, Edipucrs, Porto Alegre 2003, pp. 317-333.

³¹ Besides the reference works by Charles Lohr (see note 34, below) and C. Flüeler (see note 14, above), cfr. also, about other aspects of the reception Aristotle's political thought in the Middle Ages and Renaissance, I. P. Bejczy – C. J. Nederman (eds.), *Princely Virtues in the Middle Ages, 1200-1500*, Turnhout: Brepols 2007; I. P. Bejczy (ed.), *Virtue Ethics in the Middle Ages. Commentaries on Aristotle's "Nicomachean Ethics", 1200-1500*, Brill, Leiden – Boston 2008.

³² Cfr. for example G. Briguglia – Th. Ricklin (eds.), *Thinking Politics in the Vernacular: from the Middle Ages to the Renaissance*, Universitätsverlag, Fribourg 2011.

³³ Charles H. Lohr, "Medieval Latin Aristotle Commentaries", *Traditio*, 23 (1967) 313-413; 14 (1968) 149-245; 26 (1970) 135-216; 27 (1971) 251-351; 28 (1972) 281-396; 29 (1973) 93-197; 30 (1974) 119-144; Idem, "Aristotelica Gallica: Bibliotheca A-L", *Theologie und Philosophie*, 57 (1982) 225-259; Idem, *Latin Aristotle Commentaries, I.1 – Medieval Authors, A-L* [with the collaboration of Coralba Colomba], SISMEL – Edizione del Galluzzo, Firenze 2010; Idem, *Latin Aristotle Commentaries, I.2 – Medieval Authors, M-Z* [with the collaboration of Coralba Colomba], SISMEL – Edizione del Galluzzo, Firenze 2013; Idem, "Renaissance Latin Aristotle Commentaries: Authors A-B", *Studies in the Renaissance*, 21 (1974) 228-289; Idem, "Renaissance Latin Aristotle Commentaries: Authors C", *Renaissance Quarterly*, 28 (1975) 689-741; Idem, "Renaissance Latin Aristotle Commentaries: Authors D-F", *Renaissance Quarterly*, 29 (1976) 714-745; Idem, "Renaissance Latin Aristotle Commentaries: Authors G-K", *Renaissance Quarterly*, 30 (1977) 681-741; Idem, "Renaissance Latin Aristotle Commentaries: Authors L-M", *Renaissance Quarterly*, 31 (1978) 532-603; Idem, "Renaissance Latin Aristotle Commentaries: Authors N-Ph", *Renaissance Quarterly*, 32 (1979) 529-580; Idem, "Renaissance Latin Aristotle Commentaries: Authors Pi-Sm", *Renaissance Quarterly*, 33 (1980) 623-674; Idem, "Renaissance Latin Aristotle Commentaries: Authors So-Z", *Renaissance Quarterly*, 35 (1982) 153-256; Idem, *Latin Aristotle Commentaries II: Renaissance*

Aristotle's *Politica*, it remains a challenge to our exchange of ideas to learn more about their individual contributions. After all, most of these European writers and expositors were known and quoted by Latin American scholars.

As a matter of fact, in the coming years it is recommendable that the study of the reception of Aristotle's political thought in Latin American scholasticism should focus on less traditional or at least much less investigated topics such as typology, conception and legitimation of political associations and societies and conceptions of government and of constitution. For that purpose, closer description and analysis of manuscript sources must be done, which will also contribute to improve the list of sources catalogued or inventoried in standard works such as the one by Walter B. Redmond³⁴. Here, the literature containing the most important ethical-political themes and debates does not appear as commentary or questions on Aristotle's *Politics*, but rather in the more or less standard form of *De iure et iustitia* treatises – which were established and widespread by 16th–17th Century Salamancan masters – or in treatises whose titles and topics derive from those previous ones, that is, from central questions taken from Aquinas *Summa theologiae* IaIIae q. 90-108 (also usually called “De legibus”) and IIaIIae q. 57-122³⁵, which were then selected for contextual reasons.

At any rate, these future emphases of research on political Aristotelianism in Latin American colonial authors – that is, (i)

Authors, Leo S. Olschki, Firenze 1988. Cfr. also Lidia Lanza, “The *Scriptum super III-VIII libros Politicorum*. Some Episodes of its Fortune until the Early Renaissance”, in Ch. Flüeler – L. Lanza – M. Toste (eds.), *Peter of Auvergne, University Master of the 13th Century*, Walter de Gruyter, Berlin – New York 2015, pp. 255-319.

³⁴ Walter B. Redmond, *Bibliography of the Philosophy in the Iberian Colonies of America*. Nijhoff, The Hague 1972; cfr. also Roberto Hofmeister Pich, “Recepção e desenvolvimento da escolástica barroca na América Latina, séculos 16-18: notas sobre a contribuição de Walter Bernard Redmond”, *Scripta Mediaevalia*, 2 (2011) 1-22.

³⁵ Cfr., for example, Marco Toste, “Unjust Laws and Moral Obligation in Sixteenth-Century Salamancan Commentaries on Thomas Aquinas’ De legibus”, in *Right and Nature...*, ut supra, note 8, pp. 93-97. Although some authors, cfr., for example, Luis Fernando Restrepo, “Colonial Thought”, in Susana Nuccetelli – Ofeilia Schutte – Otávio Bueno (eds.), *A Companion to Latin American Philosophy*, Wiley-Blackwell, Chichester 2010, p. 37, mention a regular teaching of Aristotle's *Politics*, we did not find so far specific or “traditional” commentaries and questions on this work by Latin American Scholastic thinkers.

conceptions of political associations and (ii) theories of government and constitution – will certainly turn the investigators' attention to the extensive literature on law and legislation, especially in what regards the formulation and discussion of the *derecho indiano* – produced in the 17th century Peruvian viceregal society. This will demand a deep acquaintance with the monumental works by two intellectuals born in Spain but active for a significant or for the most part of their lives in South America, i.e. Juan de Solórzano y Pereira (1575-1655), who wrote both *De indiarum iure* (Vol. I in 1629, and Vol. II in 1636) and *Politica indiana* (1647)³⁶, and Diego de Avendaño S.J. (1594-1688), author of the *Auctarium indicum* (in six volumes, 1668-1886)³⁷. The juridical and ethical works they wrote should make investigators aware of the fact that the presence of Aristotle's political thought in Latin America must be delineated through the study of several different literary genres, including, especially, legal works. In fact, it is true about medieval thought and university education that works by jurists and the academics of law play a specific role in the emergence of political theories – even in the emancipation of political thought –, as it is true that, as Jürgen Miethke explained, political philosophy and the reception of Aristotle's *Politics* in the medieval period can only be fully described and understood by carefully analysing the *Specula principis* literature and the treatises *De potestate Papae* as well³⁸. In these new kinds of texts we can see how much Aristotle's ideas were creatively adapted, re-interpreted and, many times, misinterpreted to current issues and problems.

Last but not least, by studying such a *corpus* of texts, we can expect, as an important result, to reach a more thorough understand-

³⁶ Ioannes de Solórzano Pereira, *De indiarum iure*, Tomus I (Ex typographia Francisci Martinez, Madrid 1629) et Tomus II (Ex typographia Francisci Martinez, Madrid 1636); Idem, *Politica indiana*, Diego Diaz de la Carrera, Madrid 1647/1648.

³⁷ Didacus de Avendaño S.J., *Auctarium Indicum*, Apud Iacobum Meursium, Antuerpia, Tomi I-VI, 1668–1886.

³⁸ Cfr. Jürgen Miethke, "Spätmittelalter: Thomas von Aquin, Aegidius Romanus, Marsilius von Padua", in Christoph Horn und Ada Neschke-Hentschke (Hrsg.), *Politischer Aristotelismus. Die Rezeption der aristotelischen Politik von der Antike bis zum 19. Jahrhundert*, Verlag J. B. Metzler, Stuttgart – Weimar 2008, pp. 83-103 (77-111). Cfr. also Idem, *De potestate papae. Die päpstliche Amtskompetenz im Widerstreit der politischen Theorie von Thomas von Aquin bis Wilhelm von Ockham*, Mohr Siebeck, Tübingen 2000.

ding of political organizations and regimes in the history of Latin America, as well as of the mental framework and circumstances of the emergence of contemporary societies and social phenomena in the continent. The Aristotelian outlook that goes along with such an analysis of texts could certainly inspire current philosophers in Latin America to conceive the project of a society politically guided by prudence, under the framework of law or formal justice, with the purpose of reaching the common good of society, which encompasses the human good.

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We now proceed to a summary of the four articles contained in this issue of *Patristica et Mediaevalia*. In "Molina on Rights as Limits for Legislation", Matthias Kaufmann begins his study by affirming that the concept of law (*ius*) adopted by Luis de Molina S.J. (1535–1600) has similarities with the concept as used by modern authors such as Ronald Dworkin (1931–2013). In fact, the author believes that a modern discourse on law is useful to understand Molina's legal theory – which is itself based on rights –, since Molina's views are themselves quite modern. There are several aspects of current debates on rights, for example debates between authors who build their theories on the notion of choice and authors who build their theories on the notion of interest, that are discussed with some historical reference to Molina. Molina makes use of *ius* in terms of rights, and this is the very basis of his entire legal theory. In his analysis, Matthias Kaufmann gives emphasis to the concept of *dominium*, which should help us clarify what rights human beings can have and where the limits to those rights are to be found. At the same time, the manner in which Luis de Molina makes use of *dominium* puts a limit to the power of human authorities over individuals, without making any claim in favor of an inalienable human right to freedom: a person's freedom belongs to his *dominium*, therefore one can sell oneself as a slave, if circumstances demand it.

Lucas Duarte Silva, in "Fray Miguel de Agia y su *Servidumbres personales de indios* (1604): libertad y coacción civil de los indios", investigates how Fray Miguel de Agia O.F.M. (1550-161?) handled, for the sake of concrete policies in colonial Chile, with the concepts

of liberty and civil coercion. In the first part of the article, the author offers an overview of the problem concerning the *repartimientos* in 16th-17th century Latin America and describes the consequences of the publication of the *Cédula Real de Noviembre de 1601*, against which Miguel de Agia wrote his 1604 treatise. The analysis of Agia's *Servidumbres personales de indios* is the central aim of the second part of the essay. Lucas Duarte Silva describes Agia's main arguments to support the continuity of the *repartimientos* in the *Indias Occidentales*. In particular, he shows how, according to Agia, liberty should not be viewed as contrary to civil coercion; after all, the Franciscan friar understood that it is coherent with the status of a citizen to be politically subjected to legitimate rulers and, at the same time, to the common good of the Republic as well.

In "Diego Pérez de Mesa's *Política o razón de Estado* and the Medieval Commentary Tradition on Aristotle's *Politics*", Lidia Lanza gives continuity to a long series of studies on the medieval tradition of commenting Aristotle's *Politics* and writing *quaestiones* based on it. She affirms that the work *Política o razón de Estado sacada de Aristóteles*, written by Diego Pérez de Mesa (1563-ca. 1632), was largely based both on Aristotle's *Politics* and on the most influential medieval commentary on the *Politics*, that is, the commentary started by Thomas Aquinas and later finished by Peter of Auvergne – although Diego Pérez de Mesa himself failed to recognise such co-authorship. In her essay, Lidia Lanza shows the various ways in which Pérez de Mesa draws on Aquinas's – Auvergne's commentary: sometimes Pérez de Mesa reproduces that commentary verbatim or takes lines of reasoning from it, while on occasion he criticises it, particularly in regard to the delineation, within the commentary, of the ideal ruler. In bringing this particular point forward, Lidia Lanza affirms that, for Pérez de Mesa, the ideal ruler arises from the unity formed between the ruler and the State Council and which must govern according to the law, and not, as Peter of Auvergne had sustained, according to the ruler's own will and intellect. Despite the criticism that Pérez de Mesa offers against Peter of Auvergne's representation of the perfect ruler, the author sees as a remarkable aspect that such a "reason of state treatise" still draws greatly on a medieval Aristotelian commentary. Consequently, she believes that the relationship between "reason of state" and the end of "Political Aristotelianism" should be object of revision.

Finally, Roberto Hofmeister Pich, in "The Aristotelian Background of Diego de Avendaño's Moral and Legal Thought", attempts to show connections between probabilism in practical philosophy and Aristotle's account of practical knowledge and prudence. The author pursues that goal by exploring the philosophy of the Jesuit master Diego de Avendaño (1594–1688), one of the central intellectual figures of the Viceroyalty of Peru in the 17th century. Avendaño's probabilistic thinking can only be described by surveying long passages taken from the six monumental volumes of his *Auctarium indicum*, published in Antuerpia, in the years 1668–1686. Although Avendaño is not an Aristotelian thinker in what regards his political views, strictly speaking, mainly due to his hierocratic theory on the origin of power and his theologically-based account of *dominium*, the author shows that Avendaño believes to have the support of Aristotle to his thesis that practical certainty enough for right conscience and right moral acts can be a mere probable certainty – after all, probable certainty is all that prudence provides to the moral (and political) agent. Avendaño's probabilism is supposed to be coherent with a prudential account of practical knowledge, and this is something that Avendaño relates to the sphere of law: to the formulation and promulgation of positive laws by magistrates, to the legal process of decision making (the process of sentencing by juridical authorities) and more specifically to the ideal of equanimous sentences in concrete human affairs. Apparently, one of the results of such a connection between a probabilistic-prudential account of moral rectitude and the demand of legal justice – a legal theory and hermeneutics practiced in a culturally complex (perhaps even "multicultural") 17th century colonial society – had the effect of creating, rather than a tradition of jurisprudence in sentencing, a community and case-based legal hermeneutics: in other words, the much criticized legal casuistry of the Jesuits.