

## SECOND SCHOLASTICISM AND BLACK SLAVERY – SOME PHILOSOPHICAL ASSESSMENTS

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The present volume of *Patristica & Mediaevalia* has as a central topic philosophical, along with theological and legal, assessments to a particular form of slavery – i.e. Black slavery – regrettably practiced in Latin America, in the period that stretches from the 16<sup>th</sup> up to the 19<sup>th</sup> century. Even more specifically, the contributors present studies on authors and works that could be characterized as representing “Second Scholasticism”<sup>1</sup> broadly speaking, which should include some representative thinkers both of Iberian and Latin-American Scholasticism<sup>2</sup>. In this regard, the six following studies constitute a unique sample of historical and systematic essays on slavery, as one keeps in mind that there is still a notorious lack of philosophical studies dealing with such authors and works, evaluating the ways they made moral, legal and political considerations not only on slavery generally speaking, but particularly on the

<sup>1</sup> On this concept, cfr. recently Roberto Hofmeister Pich and Alfredo Santiago Culleton, “SIEPM Project ‘Second Scholasticism’: *Scholastica colonialis*”, *Bulletin de Philosophie Médiévale* 52 (2010) 25-27; Roberto Hofmeister Pich – Manuel Lázaro Pulido – Alfredo Santiago Culleton, “Introducción – Ideas sin fronteras en los límites de las ideas. *Scholastica colonialis: status quaestionis*”, in Roberto Hofmeister Pich – Manuel Lázaro Pulido – Alfredo Santiago Culleton (eds.), *Ideas sin fronteras en los límites de las ideas*, Instituto Teológico “San Pedro de Alcántara” – Imprenta Kadmos, Cáceres – Salamanca, 2012, pp. 11-16; Roberto Hofmeister Pich, “An Index of ‘Second Scholastic’ Authors”, in Alfredo Santiago Culleton and Roberto Hofmeister Pich (eds.), *Right and Nature in the First and Second Scholasticism*, Turnhout, Brepols 2014, pp. IX-XVII, as well as the further literature referred in these studies.

<sup>2</sup> On Latin-American Scholasticism more specifically, cfr. Walter B. Redmond, *Bibliography of the Philosophy in the Iberian Colonies of America* Nijhoff, The Hague, 1972; Walter B. Redmond, “Latin America, Colonial Thought”, in Edward Craig (ed.), *The Routledge Encyclopedia of Philosophy*, Routledge, London – New York, Vol. 5, 1998, pp. 421-426; 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 – Revista de Pensamiento Medieval* 4:2 (2011) 81-101; Roberto Hofmeister Pich and Alfredo Santiago Culleton, “SIEPM Project ‘Second Scholasticism’: *Scholastica colonialis*”, op. cit., 28-45.

issue of Black slavery<sup>3</sup>. Notwithstanding the several studies offered here, and the updates in research that they should be able to bring to the debates today, our current overview of the philosophical, theological, and juridical assessments on slavery –or again: on Black slavery– to be found in Second Scholasticism is still very fragmentary. A complete survey is yet to be provided.

This issue of *Patristica & Mediaevalia* will therefore bring studies on a particular topic in ethics and political philosophy, with the historical cut of the reception in 16<sup>th</sup>-18<sup>th</sup> centuries of the ancient, patristic and medieval views on slavery by Iberian and Latin-American Scholastic authors. Surely, what Iberian and Latin-American Scholastic authors wrote on that subject *does in fact* rely very much on ancient, patristic and medieval philosophical arguments *and* on the traditional views of Roman and Canon law on slavery. Still, we should pay attention not only to reception, but also to developments and criticisms of those doctrines, particularly because of the connection of ancient and medieval views with the discussions on the human status of indigenous peoples in Latin America and Africa<sup>4</sup>, on the establishment of slavery that resulted as an effect of wars claimed as just<sup>5</sup>, on the religious and cultural ideologies of salvation and civilizational supremacy that allowed for slavery condition<sup>6</sup>, and on the economic concerns and needs of the Western World in particular that legitimized forms of slavery and slave trade of Black Africans to Latin America and the “New World” as a whole<sup>7</sup>.

As it is well known, the practice of slavery was widespread in the ancient world<sup>8</sup> – not to mention the fact that we find positions favorable

<sup>3</sup> For some studies in this regard, cfr. note 44, below.

<sup>4</sup> Cfr. the classical treatment of this topic in Francisco de Vitoria, “De los indios recientemente descubiertos (relección primera) – *De indis recenter inventis relectio prior*”, in Francisco de Vitoria, *Obras de Francisco de Vitoria – Relecciones teológicas*, Edición crítica del texto latino, versión española, introducción general e introducciones con el estudio de su doctrina teológica-jurídica, por el padre Teófilo Urdanoz, Biblioteca de Autores Cristianos, Madrid, 1960, pp. 641-726.

<sup>5</sup> The topic of just war was famously discussed by Francisco de Vitoria, “De los indios, o del derecho de guerra de los españoles sobre los bárbaros (relección segunda) – *De indis, sive de iure belli hispanorum in barbaros, relectio posterior*”, in Francisco de Vitoria, *Obras de Francisco de Vitoria – Relecciones teológicas*, edición crítica del texto latino, versión española, introducción general e introducciones con el estudio de su doctrina teológica-jurídica, por el padre Teófilo Urdanoz, Biblioteca de Autores Cristianos, Madrid, 1960, pp. 811-858.

<sup>6</sup> Cfr. Alonso de Sandoval, *Un tratado sobre la esclavitud – De instauranda Aethiopia salute*, introducción, transcripción y traducción de Enriqueta Vila Vilar, Alianza Editorial, Madrid, 1987, above all Books II-III, pp. 231-503; Juan Ginés de Sepúlveda, *Demócrates Segundo o de las justas causas de la guerra contra los indios*, edición crítica bilingüe, traducción catalana, introducción, notas e índices por Angel Losada, Consejo Superior de Investigaciones Científicas – Instituto Francisco de Vitoria, Madrid, 2<sup>a</sup> 1984, especially Book I, pp. 3-85.

<sup>7</sup> Cfr. notes 43 and 44, below.

<sup>8</sup> Cfr. for example H. Wallon, *Histoire de l'esclavage dans l'antique*, L'Imprimerie Royale, Paris, Vols. 1-3, 1847; William Linn Westermann, *The Slave System*

to slavery in the Old Testament<sup>9</sup>, as well as in the New Testament<sup>10</sup>, that is, in fundamental doctrinal sources of the Christian religion. And yet, there is no doubt that the classical view on slavery that is most important to Second Scholastic authors is the one advanced by Aristotle<sup>11</sup>. Although one should recognize that Plato accepted slavery – even conceiving the very idea that a true slave is a person who has a lack of reason (*Laws* 966b)<sup>12</sup> – and included slaves in his account of constitutional ideal states (*Republic* 433e)<sup>13</sup>, it was above all Aristotle who offered in his *Politics* the first classical detailed grounding of such a human condition<sup>14</sup>.

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of *Greek and Roman Antiquity*, American Philosophical Society, Philadelphia, 1955; R. Schlaifer, "Greek Theories of Slavery from Homer to Aristotle", in M. I. Finley (ed.), *Slavery in Classical Antiquity*, William Helffer & Sons, Cambridge, 1960, pp. 165-204; D. B. Davis, *The Problem of Slavery in Western Culture*, Cornell University Press, Ithaca (N.Y.), 1966; K. Bradley, *Slavery and Society at Rome*, Cambridge University Press, Cambridge, 1994.

<sup>9</sup> Notes on the views on slavery in the Old Testament can be found in Walter Dietrich, "Sklaverei I. Altes Testament", in *Theologische Realenzyklopädie*, Walter de Gruyter, Berlin, Band 31, 2000, pp. 367-373 (with rich bibliography, pp. 372-373).

<sup>10</sup> Notes on the views on slavery in the New Testament can be found in Christoph Kähler, "Sklaverei II. Neues Testament", in *Theologische Realenzyklopädie*, Walter de Gruyter, Berlin, Band 31, 2000, pp. 373-377 (again, with rich bibliography, pp. 376-377); Ursula Ragaes, "Sklaverei III. Judentum", in *Theologische Realenzyklopädie*, Walter de Gruyter, Berlin, Band 31, 2000, pp. 377-379 (for a Bibliography, cfr. p. 379).

<sup>11</sup> For seminal studies on this aspect of the reception of Aristotle in Latin America and Second Scholasticism, cfr. Lewis Hanke, *Aristóteles e os índios americanos*, Livraria Martins Editora, São Paulo, 1955; Lewis Hanke, *The Spanish Struggle for Justice in the Conquest of America*, Little, Brown & Co., Boston, 1965; 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; 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 Alberto 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.

<sup>12</sup> Cfr. Platon, *Gesetze*, in Platon, *Sämtliche Dialoge*, übersetzt und erläutert von Otto Apelt, Felix Meiner Verlag, Hamburg, Band VII, 1998, XII, 966b, pp. 515-517.

<sup>13</sup> Cfr. Platon, *Der Staat*, in Platon, *Sämtliche Dialoge*, neu übersetzt und erläutert von Otto Apelt, Felix Meiner Verlag, Hamburg, Band V, 1998 (unveränderter Nachdruck Leipzig 1923), IV, 433e, p. 154. Cfr. also G. Vlastos, "Does Slavery Exist in the Republic?", *Classical Philology* 63:4 (1968) 291-295; E. Schutrumpf, "Aristotle's Theory of Slavery – A Platonic Dilemma", *Ancient Philosophy* 13:1 (1993) 111-123.

<sup>14</sup> The classical treatment appears in Aristotle, *Politics* (transl. by Benjamin Jowett), in Aristotle, *The Basic Works of Aristotle*, Edited by Richard McKeon, Random House, New York, 1941 (24<sup>th</sup>. printing), I 4-13, pp. 1131-1146. Cfr. also A. Baruzzi, "Der Freie und der Sklave in Ethik und Politik des Aristoteles", *Philosophisches Jahrbuch* 77 (1970) 15-28; W. W. Fortenbaugh, "Aristotle on Slaves and Women", in Jonathan Barnes – Malcolm Schofield – Richard Sorabji (eds.), *Articles on Aristotle 2: Ethics and Politics*, Duckworth, London, 1977, pp. 135-139; Malcolm Schofield, "Ideology and Philosophy in Aristotle's Theory of Slavery", in Günther

In *Politics* I Aristotle defends slavery as a social institution. Such an institution was not only something like a legal and social creation, but above all an institution based on nature itself<sup>15</sup>. There are “natural slaves”<sup>16</sup>, and so slavery is or can be natural. A human being is a slave by nature because of his / her lack of reason. In fact, Aristotle affirms that a slave by nature is one who “has no deliberative faculty at all”<sup>17</sup>, and the best he / she can be in order to fulfill his / her nature is to become –under a relationship of subjection– no more than “a living but separated part of his [the master’s] bodily frame”<sup>18</sup>. Consequentially, as an institution that sets up and legitimizes a particular form of social relationship, slavery brings benefits both to the master, who profits from the instrumentary labour of the natural slave and can then dedicate himself to political activity and virtue, fulfilling his natural *telos*, and to the slave him / herself, who can then be affected by the “deliberative ability” of the slave holder<sup>19</sup>. The slave holder is, thus, the external ruler of the slave<sup>20</sup>, he has complete natural authority over him / her and, as the only one in the complementary (but unitary) relationship who has full human *logos*, he disciplines and admonishes the slave accordingly to the level of deficiency in reason of the later<sup>21</sup>. In fact, Aristotelian slavery is a form of *bios* for the living things that do not realize their nature according to the completeness of their specific form which is the human life –and so such a life will never possibly turn, strictly speaking, into a *bios politikos*<sup>22</sup>. Curiously enough,

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Patzig (Hrsg.), *Politik*, Vandenhoeck & Ruprecht, Göttingen, 1990, pp. 1-27; N. D. Smith, “Aristotle’s Theory of Natural Slavery”, in D. Keyt and F. D. Miller, Jr. (eds.), *A Companion to Aristotle’s Politics*, Blackwell, Oxford, 1991, pp. 142-155; E. Garver, “Aristotle’s Natural Slaves: Incomplete ‘Praxeis’ and Incomplete Human Beings”, *Journal of the History of Philosophy* 32:2 (1994) 173-195; Nediilso Lauro Brugnera, *A escravidão em Aristóteles*, Edipucrs, Porto Alegre, 1998; Giuseppe Tosi, “Aristóteles e a escravidão natural”, *Boletim do CPA (UNICAMP)*, 8:15 (2003) 71-99.

<sup>15</sup> Cfr. again Nediilso Lauro Brugnera, op. cit., pp. 75-102.

<sup>16</sup> Cfr. Aristotle, *Politics* I 4-7, pp. 1131-1135; I 5, 1254a21-24, p. 1132.

<sup>17</sup> Cfr. Aristotle, *Politics* I 13, 1260a12, p. 1144.

<sup>18</sup> Cfr. Aristotle, *Politics* I 6, 1255b11-12, p. 1134.

<sup>19</sup> Cf. Aristotle, *Politics* I 4, 1254a14, pp. 1131-1132; I 13, 1260a33-36, p. 1145. Cfr. also R. Geiger, “doulos / Sklave”, in Otfried Höffe (Hrsg.), *Aristoteles-Lexikon*, Alfred Kröner Verlag, Stuttgart, 2005, pp. 136-138; Otfried Höffe, *Aristoteles*, Beck, München, 32006, pp. 255-257.

<sup>20</sup> Cfr. again Nediilso Lauro Brugnera, op. cit., pp. 79-83.

<sup>21</sup> Cfr. Aristotle, *Politics* I 13, 1260b5-7, p. 1145.

<sup>22</sup> We could discuss whether this brings as a result an account of two different “human species”. There is no real natural equality; after all, for those who have a lack in reason slavery is not only a functional state, but a permanent one. For Aristotle, the equality of human gender or of human beings happens under the equality of a principle of rationality which is “constitutive”, “operative”, or both? Apparently, as an equality principle it can only be a *constitutive*, but not an *operative principle*. Some human beings have the operative principle of rationality, and so they deliberate, develop virtue and live in the political community, fulfilling the possibilities of their *telos*. Is rationality, as a mere constitution principle enough for being a human being or having a human nature? Cfr. Nediilso Lauro Brugnera, op. cit., pp. 105-112.

any other form of “conventional” or “legal-political” slavery was viewed by Aristotle himself as unnatural and morally wrong<sup>23</sup>. So, it is interesting to realize that such a significant and historically influential criticizer of the theory of natural slavery as the Salamanca Dominican master, Francisco de Vitoria (1483-1546), in his two *Relecciones de indis recenter inventis* (1538-1539), could nonetheless accept forms of political slavery, being the most explicit one the condition of slavery as an acceptable form of reparation that results from a war justly waged<sup>24</sup>.

Truly, the universe of sources of philosophical and theological views on slavery, known and more or less shared by our Second Scholastic authors, also embraces the accounts given by Fathers of the Church, particularly by Augustine, who combined an at least implicit naturalism of an Aristotelian sort –based on given differences among human beings<sup>25</sup>– with the Biblical idea of sin as a cause of slavery, what might

<sup>23</sup> Cfr. Aristotle, *Politics*, I 6, pp. 1133-1135; VII 3, pp. 1281-1282; VII 10, pp. 1290-1292. This is emphasized in the short note by 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*, J. B. Metzler, Stuttgart – Weimar, 2008, p. 8 (pp. 1-19). In fact, one should also mention the Aristotelian idea of “functional slavery”, which is a form of political slavery, namely the slavery of “artisans” in ancient Greece, who were needed in the *polis* to perform those “poietical” activities necessary to life in the state-city and fundamentally important to the status of people who could dedicate themselves to the practice of political virtues. Those persons lacked social status, but they did not lack reason: they did not have a relation of subjection to masters, although they lived in a form of pure political servitude, without room for developing deliberative virtues. This subject is finely treated by Nediilo Lauro Brugnera, *op. cit.*, pp. 77-83.

<sup>24</sup> Cfr. Francisco de Vitoria, “De los indios, o del derecho de guerra de los españoles sobre los bárbaros (relección segunda) – *De indis, sive de iure belli hispanorum in barbaros, relectio posterior*”, in Francisco de Vitoria, *op. cit.*, §§ 38-43, pp. 843-847. Cfr. also Teófilo Urdanoz, *De los indios recientemente descubiertos – Introducción a la relección primera*, in: Francisco de Vitoria, *Obras de Francisco de Vitoria – Relecciones teológicas*, edición crítica del texto latino, versión española, introducción general e introducciones con el estudio de su doctrina teológica-jurídica, por el padre Teófilo Urdanoz. Biblioteca de Autores Cristianos, Madrid, 1960, pp. 522-523. Authors in Vitoria’s times would also consider a second, third, and fourth grounds for slavery, namely (ii) slavery as a form of punishment because of debts and / or crimes, (iii) slavery because of legitimate sale, being possible to apply such a status to descendants of acquired slaves, and (iv) slavery as self-elected condition *in extremis*, in order to warrant someone’s own survival and / or to avoid someone’s own natural death. Cfr. Roberto Hofmeister Pich, “*Dominium e ius*: sobre a fundamentação dos direitos humanos segundo Francisco de Vitoria (1483-1546)”, *Teocomunicação* 42:2 (2012) 401.

<sup>25</sup> Cfr. Santo Agostinho, *A cidade de Deus contra os pagãos (De civitate Dei)*, tradução de Oscar Paes Leme, Vozes – Federação Agostiniana Brasileira, Petrópolis – São Paulo, Parte II, <sup>2</sup>1990, XIX, 15, pp. 405-406. Cfr. also Christoph Horn, *Augustinus*, Verlag C. H. Beck, München, 1995, p. 123; John. M. Rist, *Augustine – Ancient Thought Baptized*, Cambridge University Press, Cambridge, 1994 (repr. 2000), pp. 236-239 (exploring also the topic in the *Enarrationes in Psalmos*).

be seen paradigmatically in Augustine's interpretation of the story of Cham, the son of Noah condemned to servitude, according to which the entire humanity, as Cham and his descendants, stays under a servile discipline with the purpose of reaching salvation<sup>26</sup>. It is also arguable that Augustine, being no strict criticizer of the social institution of slavery, furnished Catholic thinkers with an ethics of just and human –perhaps “Pauline”– relationships between masters and slaves<sup>27</sup>. In fact, we see in authors and works of the Middle Ages tendencies to conceive slavery, according to the traditional Stoic *ius naturale*, as mistaken, since such law would claim, based on natural equality, freedom for all human beings. It would be acceptable, however, according to *ius gentium*, where the thesis in favor of slavery can be defended because of the existence of legitimate superior political powers and also of societies and nations that manifest a more elevated use of reason<sup>28</sup>. But even in a thinker as devoted to natural law theory as Thomas Aquinas we find both sympathy for the Aristotelian theory of natural slavery and for the Augustinian picture on servitude: namely that slavery is opportune, just, and even necessary for those people who live in sin and malice or for those people who do have a lack of reason, being then a benefit for these persons to be guided by rational masters<sup>29</sup>.

After the critical reception of Aristotle's *Politics* by the Salamanca masters of Francisco de Vitoria's generation<sup>30</sup> and beyond<sup>31</sup>, and more

<sup>26</sup> Cfr. Santo Agostinho, *A cidade de Deus contra os pagãos (De civitate Dei)*, XIX, 15-16, pp. 405-407; The narrative is found in Genesis 9.20-29.

<sup>27</sup> Cfr. Santo Agostinho, *A cidade de Deus contra os pagãos (De civitate Dei)*, XIX, 15-16, pp. 406-407. On Augustine's and Patristic views on slavery, cfr. also E. Flaig, “Sklaverei”, in Joachim Ritter and Karlfried Gründer (Hrsg.), *Historisches Wörterbuch der Philosophie*, Schwabe & Co. AG Verlag, Basel, Band 9, 1995, pp. 978-979; Richard Klein, “Sklaverei IV. Alte Kirche und Mittelalter”, in *Theologische Realenzyklopädie*, Walter de Gruyter, Berlin, Band 31, 2000, pp. 380-381; Henneke Gülzow, *Christentum und Sklaverei in der ersten drei Jahrhunderten*, Rudolf Habelt Verlag, Bonn, 1969; G. E. M. de Sainte-Croix, “Early Christian Attitudes to Property and Slavery”, in D. Baker (ed.), *Studies in Church History*, Blackwell, Oxford, Vol. 12 (*Church, Society and Politics*) 1975, pp. 1-38; J. Albert Harrill, *The Manumission of Slaves in Early Christianity*, J. C. B. Mohr, Tübingen, 1995; Peter Garnsey, *Ideas of Slavery from Aristotle to Augustine*, Cambridge University Press, Cambridge, 1996.

<sup>28</sup> Cfr. again Richard Klein, “Sklaverei IV. Alte Kirche und Mittelalter”, op. cit., p. 382.

<sup>29</sup> Cfr. Thomas de Aquino, *Summa theologiae*, cura et studio Petri Caramello, cumtextu et recensione leonina, Marietti, Torino, 1956, III, suppl. 52, a. 1, pp. 163-164 (also aa. 2-4, pp. 164-167). Cfr. also Paul E. Sigmund, “Law and Politics”, in Norman Kretzmann and Eleonore Stump, *The Cambridge Companion to Aquinas*, Cambridge University Press, Cambridge, 1993 (repr. 1997), pp. 222-228; John Finnis, *Aquinas – Moral, Political, and Legal Theory*, Oxford University Press, Oxford, 1998 (repr. 2004), pp. 184-185.

<sup>30</sup> Cfr. again Roberto Hofmeister Pich, “*Dominium e ius: sobre a fundamentação dos direitos humanos segundo Francisco de Vitoria (1483-1546)*”, op. cit., 376-401.

<sup>31</sup> Cfr. the references provided in Roberto Hofmeister Pich, “*Dominium e ius: sobre a fundamentação dos direitos humanos segundo Francisco de Vitoria (1483-1546)*”, op. cit., note 2, 378.

specifically after the debates between Bartolomé de Las Casas and Juan Ginés de Sepúlveda on the juridical claim of just war, against the barbarians and infidels of the New World –having as a consequence the subjection and enslavement of the Indians<sup>32</sup>–, the theory of natural slavery strictly speaking was fundamentally rejected by Catholic intellectuals<sup>33</sup>, as well as by Baroque and modern thinkers in general<sup>34</sup>, or at least defended in more diffuse and not as much definite ways (i.e. as a matter of current, and not permanent state of people). If we look to the side of secular modern philosophers we will find a similar condemnation of any attempt to justify slavery status on a natural basis –but again in both realms of philosophical inquiry slavery was theoretically defended as a possible social and political condition, most usually, taking as an example the remarks by John Locke, as a repairing result of a just war<sup>35</sup>. This introductory note cannot offer a full historical overview of the philosophical, theological, and juridical perceptions that brought Western civilization to a strict abolitionist conviction<sup>36</sup> –condemning both natural and civil forms of slavery as morally wrong<sup>37</sup>–, but this is a practical and theoretical conquest of reason, religion, and law to be reached first in the 19<sup>th</sup> century, if we have in mind that only in the second half of that century both the social institution of slavery and the practice of slave trade –at last in Brazil and Cuba– were finally

<sup>32</sup> Cfr. note 6, above.

<sup>33</sup> Cfr. note 4, above. Cfr. again Roberto Hofmeister Pich, “*Dominium e ius: sobre a fundamentação dos direitos humanos segundo Francisco de Vitoria (1483-1546)*”, op. cit., note 2, 378. Notes on slavery in the thought of Reformed thinkers and furthermore protestant forms of Christian confession and culture can be found, for example, in E. Flaig, “Sklaverei”, op. cit., pp. 980-981; David Turley, “Sklaverei V. Reformation bis Neuzeit”, in *Theologische Realenzyklopädie*, Walter de Gruyter, Berlin, Band 31, 2000, pp. 383-393 (with rich bibliography in p. 393).

<sup>34</sup> Cfr. in this regard Robin Blackburn, *The Making of the New World Slavery. From the Baroque to the Modern 1492-1800*, Verso, London – New York, 1997. On the criticisms exerted by modern philosophers on slavery as a social institution, cfr. for example Stephen L. Esquith and Nicholas D. Smith, “Slavery”, in Edward Craig (ed.), *The Routledge Encyclopedia of Philosophy*, Routledge, London – New York, Vol. 8, 1998, pp. 804-805; E. Flaig, “Sklaverei”, op. cit., pp. 981-983.

<sup>35</sup> Cfr. John Locke, *Two Treatises of Government*, ed. P. Laslett, Cambridge University Press, Cambridge, 1960 (originally 1689/1690), I, i. Notes on the accounts and theories of slavery by modern authors such as Jean Bodin, Thomas Hobbes, and John Locke, as well as Enlightenment philosophers such as Montesquieu and Rousseau, can be found in Stephen L. Esquith and Nicholas D. Smith, “Slavery”, in Edward Craig (ed.), *The Routledge Encyclopedia of Philosophy*, Routledge, London – New York, Vol. 8, 1998, pp. 804-805; E. Flaig, “Sklaverei”, op. cit., pp. 980-983.

<sup>36</sup> On abolitionism in 19<sup>th</sup> century Brazil, cfr. Joaquim Nabuco, *O abolicionismo*, introdução de Marco Aurélio Nogueira, Vozes, Petrópolis, 1988; Marco Aurélio Nogueira, “Introdução”, in Joaquim Nabuco, *O abolicionismo*, introdução de Marco Aurélio Nogueira, Vozes, Petrópolis, 1988, pp. 7-22.

<sup>37</sup> An important treatment of slavery in 20<sup>th</sup> century philosophy was offered by John Rawls, *A Theory of Justice*, Belknap Press of Harvard University Press, Cambridge, Mass., 1971 (22<sup>nd</sup>. Print, 1997), pp. 158ff.; 325ff.

abolished<sup>38</sup>. It is also worth mentioning that the Catholic Church published only in 1839 an official document, the Apostolic Letter *In Supremo Apostolatus*, issued by Pope Gregory XVI, condemning slavery as a social institution, and particularly every form of slave trade<sup>39</sup>.

These last notes regard above all Black slavery, which became a social and economic institution in the 16<sup>th</sup> century in the broad realm of transatlantic relationships between Africa and the Americas, as well as between west-indian islands and the New World<sup>40</sup>. Closely connected to the traditional accounts of civil-political slavery –(i) as a result of an allegedly just war, (ii) as a result of payment for debts or punishment for crimes, (iii) as a result of legitimate sale, or descendants of chattel slaves, and (iv) as a result of voluntary self-imposed enslavement due to extreme situations of survival or danger of life<sup>41</sup>–, but still taking into consideration more diffuse conceptions of servitude based on nature, we face now the fundamental form of slavery *as the status of being a property* of slave traders and holders for purposes of massive economic production and the secondary forms of labor and house services related to slavery-based societies<sup>42</sup>. Especially in the Iberian Peninsula and in the

<sup>38</sup> Cfr. David Turley, "Sklaverei V. Reformation bis Neuzeit", in *Theologische Realenzyklopädie*, Walter de Gruyter, Berlin – New York, Band 31, 2000, p. 391. On the abolishment of slavery in the 19<sup>th</sup> century, cfr. for example the several studies contained in Francisco de Solano y Agustín Guimerá (eds.), *Esclavitud y derechos humanos. La lucha por la libertad del negro en el siglo XIX*, Consejo Superior de Investigaciones Científicas, Madrid, 1990, pp. 25-31. Cfr. also Robin Blackburn, *The Overthrow of Colonial Slavery, 1776-1848*, Verso, London, 1975; Rebecca J. Scott (ed.), *The Abolition of Slavery and the Aftermath of Emancipation in Brazil*, Duke University Press, Durham – London, 1988; David Turley, *The Culture of English Antislavery 1780-1860*, Routledge, London – New York, 1991. On slavery in Brazil and in Cuba, cfr. for example Maurício Goulart, *Esclavidão Africana no Brasil – (Das origens à extinção do tráfico)*, Livraria Martins Editora, São Paulo, 1949; Décio Freitas, *Esclavidão de índios e negros no Brasil*, Escola Superior de Teologia São Lourenço de Brindes – Instituto Cultural Português, Porto Alegre, 1980; Joseli M. N. Mendonça, *Entre a mão e os anéis: a Lei dos Sexagenários e os caminhos da abolição no Brasil*, Editora da Unicamp – Centro de Pesquisa em História Social da Cultura, Campinas, 1999; Mário Maestri, *O escravismo no Brasil*, Atual, São Paulo, 192002; Francisco de Solano y Agustín Guimerá (eds.), *Esclavitud y derechos humanos. La lucha por la libertad del negro en el siglo XIX*, Consejo Superior de Investigaciones Científicas, Madrid, 1990, "6. La dimensión colonial: Cuba", pp. 345-527 (several studies).

<sup>39</sup> Cfr. Pope Gregory XVI, *In Supremo Apostolatus*, December 3, 1839. Cfr. Also J. F. Maxwell, *Slavery and the Catholic Church*, Barry Rose Publishers, Chichester, 1975. On the unconditional condemnation of slavery in today's Christian social ethics, cfr. the notes by Brian Hebblethwaite, "Sklaverei VI. Ethische Bewertung", in *Theologische Realenzyklopädie*, Walter de Gruyter, Berlin – New York, Band 31, 2000, pp. 394-396.

<sup>40</sup> Cfr. David Turley, "Sklaverei V. Reformation bis Neuzeit", op. cit., pp. 384ff. Cfr. Herbert S. Klein, *Esclavidão africana – América Latina e Caribe*, tradução de José Eduardo de Mendonça, Editora Brasiliense, São Paulo, 1987, pp. 33-104.

<sup>41</sup> Cfr. note 24, above.

<sup>42</sup> Cfr. for example Herbert S. Klein, op. cit., pp. 11-57; Enriqueta Vila Vilar, *Hispanoamerica y el comercio de esclavos*, Escuela de Estudios Hispanoamericanos,



newly founded Latin American institutions, Second Scholastic thinkers, from the middle of the 16<sup>th</sup> century onwards, directed their analysis of theories, interpretations and applied ethics concerning slavery to those new social and economical phenomena. In a sense, the same generations of thinkers who came to reject the natural slavery of Indians and attempted to liberate indigenous peoples also from civil forms of servitude, accepted and promoted African slave trade and Black slavery in general. How was that possible? What are the philosophical characteristics of their theoretical accounts? What are the characteristics of their practical concerns and their applied ethics? Are there critical elements that point out to liberation and abolitionism, proposing the very end of every form of slavery?

Until today there are no studies that pursued an exhaustive chronological presentation of theological, juridical, and philosophical assessments of Black slavery, and so could help to reconstruct with completeness and exactness the etiology of such institution. It seems that the first authors that reflected on Black slavery accordingly were Domingo de Soto O.P. (1494-1560), Fernando Oliveira O.P. (1507-1581), Tomás de Mercado O.P. (1525-1575), and the jurist, active in Mexico, Bartolomé de Frias y Albornoz O.P. († 1553)<sup>43</sup>. But there is a consensus that the Jesuit Luis de Molina (1535-1600) was the first intellectual to consider the topic of Black slavery extensively, and after him many others such as Tomás Sánchez S.J. (1550-1610), Fernando Rebello S.J. (1546-1608), Alonso de Sandoval S.J. (1576-1652), and Diego de Avenadoño S.J. (1594-1688)<sup>44</sup>.

The working-out of such a theoretical overview demands studies focused on careful descriptions and analyses of individual sources, as well as on comparative approaches. It would be too simple to state that Baroque Scholastic authors usually condemned any economic practice of

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Sevilla, 1977, pp. 213-238; Earle Diniz Macarthy Moreira (coord.), *Aspectos da escravidão na América Espanhola*, APGH, Porto Alegre, 1995.

<sup>43</sup> Cfr. for example David Brion Davis, op. cit., pp. 187-190; Charles R. Boxer, *A igreja militante e a expansão ibérica: 1440-1770*, Companhia das Letras, São Paulo, 2007, pp. 45-53; Hugh Thomas, *The Slave Trade: The Story of the Atlantic Slave Trade – 1440-1870*, Simon & Schuster, New York, 1997, pp. 146ff.; José Andrés-Gallego, *La esclavitud en la América española*, Ediciones Encuentro, Madrid, 2005, pp. 32-35; Luis Fernando Restrepo, "Colonial Thought", in Susana Nuccetelli – Ofelia Schutte – Otávio Bueno (eds.), *A Companion to Latin American Philosophy*, Wiley-Blackwell, Chichester, 2010, pp. 39-42.

<sup>44</sup> Cfr. José Andrés-Gallego, op. cit., pp. 35-42. Cfr. also Jesús María García Añoveros, "Luis de Molina y la esclavitud de los negros africanos en el siglo XVI. Principios doctrinales y conclusiones", *Revista de Indias* 60 (2000) 307-329; António Manuel Hespanha, "Luís de Molina e a escravização dos negros", *Análise Social* 35 (2001) 937-960. Cfr. also Enriqueta Vila Vilar, "La postura de la Iglesia frente a la esclavitud", in Francisco de Solano y Agustín Guimerá (eds.), *Esclavitud y derechos humanos. La lucha por la libertad del negro en el siglo XIX*, Consejo Superior de Investigaciones Científicas, Madrid, 1990, pp. 25-31.

slave trade that was not based on fair juridical titles, or in a nutshell any form of slave trade that could possibly involve Africans unfairly enslaved – and they did so primarily with the intention of advising slave traders and holders for achieving a safe conscience of the righteousness of their acts. They also condemned bad treatments and inadequate behavior by masters concerning the well being of slaves and their duties as Christians that should be helpful in the process of salvation of the Blacks. Moreover, there is a widespread opinion today that none of our Second Scholastic thinkers made a radical and true defense of the liberty of Blacks that were put into the condition of slavery. Was it really so? Moreover: Are there still traces to be found in our authors' works that denounce any approval of the theory of natural slavery? Can we also find patterns of ideas that help understanding the general acceptance of the institution of Black slavery in those centuries, that is ideas that go beyond the domains of philosophy, theology, and law and come closer to the domain of general approved opinions by and about existing cultures and ethnicities? The essays offered in this issue of *Patristica & Mediaevalia* should help find or at least approach the answers to those questions. Such studies can reveal surprises –and partial answers to the question on a true defense of the liberty rights of enslaved Africans put above–, as for example in the interpretation of the works by two Capuchin friars who passionately criticized the aspects of the system and the illegality of its details, at least making the accusation that Black slavery was, if not a case of strict wrong theoretical ethics, clearly a case of bad applied ethics, which led them both to an “antislavery project” and a “political activism” in favor of the liberation of all enslaved Blacks in those situations. We are talking here of Francisco José de Jaca (ca. 1645-1689)<sup>45</sup>, who was the author of a *Resolución sobre la libertad de los Negros y sus originarios, en estado de paganos y después ya cristianos* (written in 1681), and of Epifanio de Moirans (1644-1689)<sup>46</sup>, who wrote the treatise *Servi liberi seu naturalis mancipiorum libertatis iusta defensio* (written in 1682)<sup>47</sup>. The works of these Capuchin friars re-

<sup>45</sup> Cfr. Miguel Anxo Pena González, “Un autor desconocido y singular en el pensamiento hispano”, in Francisco José de Jaca, *Resolución sobre la libertad de los negros, en estado de paganos y después ya cristianos. La primera condena de la esclavitud en el pensamiento hispano*, edición crítica por Miguel Anxo Pena González, CSIC, Madrid, 2002, pp. XXIII-LX; Miguel Anxo Pena González, “Francisco José de Jaca: una vida a favor de la liberación de los esclavos negros”, *Collectanea Franciscana* 72 (2002) 599-671.

<sup>46</sup> Cfr. Miguel Anxo Pena González, “Epifanio de Moirans: Exponente singular de la práctica antiesclavista”, in Epifanio de Moirans, *Siervos libres: una propuesta antiesclavista a finales del siglo XVII*, edición crítica por Miguel Anxo Pena González, CSIC, Madrid, 2007, pp. XVII-XXXIX; Miguel Anxo Pena González, “Epifanio de Moirans (1644-1689): misionero capuchino y antiesclavista”, *Collectanea Franciscana* 74 (2004) 111-145.

<sup>47</sup> Cfr. also Miguel Anxo Pena González, “Doctrina antiesclavista de Epifanio de Moirans en su ‘Servi Liberi’”, *Naturaleza y Gracia* 52 (2005) 279-327.

mained, as manuscript documents of the “Archivo General de Indias”, totally unknown to the publicity until quite recently<sup>48</sup>.

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Turning now to the individual essays offered in this issue of *Patristica & Mediaevalia*, and making efforts to keep a chronological order of presentations, Manuel Méndez Alonzo, in “From Slave Driver to Abolitionist: Bartolomé de Las Casas on African Slavery”, presents the views by Bartolomé de Las Casas O.P. (1474–1566) on slavery, emphasizing that such positions changed along his life and career as a priest and a theologian. Las Casas, the “Apostle of the Indians”, was initially favorable to the importation and trade of slaves from Africa to America, basically because he wanted to finish the unjust enslavement and subjection of Native Americans, and he believed that the Spanish colonies should be economically viable. Later in his life Bartolomé de Las Casas recognized the mistake of his immature years and exerted strong critiques to those illicit forms of slavery that characterized the transatlantic trade of Africans. In fact, so the thesis supported by the author, in order to understand this late point of view, one must be able to explain Las Casas’s perceptions on freedom, as well as his sources.

Alfredo Santiago Culleton, in “Tomás de Mercado on Slavery: Just According to Law, Unjust in Practice”, attempts to do a reconstruction of the thought of the Dominican Friar and theologian Tomás de Mercado (1525-1575) about Black slavery. Actually, this is not a subject that Tomás de Mercado himself treats extensively, but all considerations and arguments formulated by him, which are characterized by the point of view of moral conduct and moral rules in the domain of economy (i.e. of a moral philosophy concerned with economic practices), and which can be found summarized in his famous *Suma de Tratos y Contratos* (1571), are of great philosophical interest and remarkable historical influence. Contemporary and subsequent intellectuals of Iberian and Latin-American Scholasticism would pay careful attention to Tomás de Mercado’s opinions and concrete moral evaluations of such unfortunate practices of those times.

There is no doubt that one of the most influential philosophical moral assessments of Black slavery was offered by the Jesuit Luis de Molina (1535-1600), explicitly in his *De iustitia et iure* tract. II, disp. 32-40. Henrique Joner, in “Impressions of Luis de Molina About the Trade of African Salves”, explores the careful observations made by Luis de Molina about the trade of Black slaves in the end of 16<sup>th</sup> century.

<sup>48</sup> Perhaps the first work on those two Capuchins was the study by José Tomás López García, *Dos defensores de los esclavos negros en el siglo XVII: Francisco José de Jaca y Epifanio de Moirans*, Universidad Católica Andrés Bello, Caracas, 1982 (also: Visión Libros, Madrid 2008).

Henrique Joner focuses on the description of Luis de Molina's juridical and moral arguments both for sustaining and for rejecting that form of trade. Particularly, he emphasizes that Molina adopts as a methodology and source of information –and this feature of his writing on the topic was paradigmatically followed by many authors in the decades after him– the listening to those persons and witnesses directly or less directly engaged in the practice of purchasing slaves in the African continent. He gives particular attention to the widespread and possibly veridical “rumors” that pointed out to the alleged injustice of such a suspicious business –to the mistaken (or unchecked) opinion about the “civil” status of purchased Blacks–, which should provoke a singular revision of informations and practices by all traders engaged, at any level, in the purchasing and in the traffic of slaves from the African coast to the New World. Luis de Molina does not hesitate to describe in details the horrible circumstances and conditions involved in slave trade and transportation. He called the attention of civil authorities responsible for allowing such atrocities, demanding clear justifications for every practice of slavery and every form of abuse. He also suggested concrete measures to stop that perverse market.

One of the most significant works on Black slavery written by a Catholic thinker in the 17<sup>th</sup> century was Alonso de Sandoval's *De instauranda Aethiopum salute* (1627), which both describes the traffic of African slaves to South America (above all to Cartagena de Indias) and offers several different clues to understand the emergence of an “ideology” of Black slavery, which, inside the Roman Catholic Church and the Catholic world, justified Black slavery. At the same time, Alonso de Sandoval made the attempt of setting up the ethical criteria for the slave trade and particularly for the relationships between masters and slaves in the everyday life of the South American colonies. Accordingly, in a first of two studies on Sandoval's thought, Roberto Hofmeister Pich, in “Alonso de Sandoval S.J. (1576/1577-1652) and the Ideology of Black Slavery: Some Theological and Philosophical Arguments”, explores Books I and II of *De instauranda Aethiopum salute*, focusing first on theological and Biblical foundations invoked for Black slavery, second on the justification of slavery condition of Africans and of slave trade as such, and third on the moral rules proposed by Sandoval to a fair relationship between holders and slaves. The author also delineates the increasing devaluation of Black skin and culture that gave support to that ideology of subjection.

In a second study on Sandoval's work, Márcio Paulo Cenci, in “African Slavery and Salvation in the *De instauranda Aethiopum salute* of Alonso de Sandoval S.J. (1577-1652)”, explains the relationship between slavery and salvation of the soul, which is strongly emphasized by the Jesuit thinker in Book III of his seminal treatise. Márcio Paulo Cenci sees in this part of Sandoval's work a true handbook of mission in order

to re-establish the salvation of the Blacks –supposed to be initiated in the first post-Apostolic centuries. The fundamental thesis by Sandoval, and here he functions as an example of his own generation of Catholic thinkers and religious men, is that spiritual salvation is not incompatible with slavery. The author does not believe that the relationship between race and slavery is a necessary one for Alonso de Sandoval, but Sandoval helped to create a cultural view on Black and African culture that depreciates Black skin color and favours an ideology of submission. Sandoval exerted explicit criticism on the brutal methods and shameful treatments of which slavery system made use, but never condemned the institution of slavery as such. Essentially, it is not an obstacle to salvation. For the salvation of the Blacks, the fundamental condition is to baptize them in a legitimate way. So, in Book III of his work, Sandoval defends the correct administration of baptism, which depends on the understanding of the principles of Christian faith and the free acceptance of it: that is Sandoval's most important goal.

Ending up this issue of *Patristica & Mediaevalia*, Fernando Rodrigues Montes D'Oca, in "Two Capuchin Friars in Defense of African Slaves' Liberty: Francisco José de Jaca and Epifanio de Moirans", presents briefly the main aspects of the quite original anti-slavery project developed by Francisco José de Jaca O.F.M. Cap (1645-1689) and Epifanio de Moirans O.F.M. Cap (1644-1689). The author describes Jaca's and Moirans's accounts on the juridical titles of slavery, as well as of purchase and sale of slaves. By doing so, we realize that these two missionaries were strongly committed with the defense of the liberty of African slaves. In difference to other authors who had written on Black slavery, Jaca and Moirans explicitly took over the role of defending counsels of enslaved Africans and, with a clear prophetic accent, did not fear the attitude of denouncing the notorious injustices, bad treatments, and the general illegitimacy of that entire market, preaching the radical liberation of all African slaves and even making demands for the adoption of political-juridical measures of repàration.