



# THE SCHOOL OF SALAMANCA: ORIGINS OF POLITICAL ECONOMY AND INTERNATIONAL LAW

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At the beginning of the 16th century, Salamanca was a city of 20,000 to 24,000 inhabitants, with about 7,000 students (today there are 145,000, of whom 30,000 are students). Founded in 1243, the University of Salamanca is the third oldest university in Europe. In the Golden Age (1492-1681), Spain was the country with the largest number of university students in Europe.

The reputation of the University of Salamanca grew stronger from the 15th century onwards. It became a center of intellectual influence, the symbol of the Renaissance and of Spanish humanism. The great figures, such as [Antonio de Nebrija](#), [Fray Luis de Leon](#), [St. John of the Cross](#), [Luis de Gongora](#) and many others studied there. Unlike the Universities of Valladolid and Alcala (the vanguard of [Spanish Erasmism](#)), which were mainly focused on theology, Salamanca was also oriented towards legal, political and economic studies. However, the School of Salamanca was above all a theological movement that had as its primary objective the renovation of theology.

[The two most complete works on the School of Salamanca are those of Juan Belda Plans, [\*La Escuela de Salamanca y la renovación de la teología en el siglo XVI\*](#), and Miguel Anxo Pena González, [\*La Escuela de Salamanca. De la Monarquía hispánica al Orbe católico\*](#)].

The theological humanism of the School of Salamanca, and more broadly of the Hispanic Neo-Scholastic school (the scholastic tradition going back to the University of Paris founded around 1200), was an original synthesis of [Thomism](#), [Scotism](#) and [nominalism](#), enriched successively by Dominicans, Jesuits and Franciscans, but also by Augustinians, Mercedarians, Carmelites, secular priests, jurists and laymen. The period of its full flowering was from 1526 to 1604; thereafter, its influence declined and finally died out in 1753. At its peak, the trend in favor of Thomism as an orthodox line was very strong; but in the sixteenth century the intellectual atmosphere was open enough to allow the expression of very different concerns and visions. To illustrate this atmosphere, it is worth recalling that the universities of Salamanca, Alcala, Valladolid and Osuna were familiar with the work of Canon Copernicus, who defended heliocentrism with *De Revolutionibus* (1543). Its study was optional at the University of Salamanca in 1561 and its teaching was compulsory from 1594 onwards. This situation was not exceptional in sixteenth-century Spain, since the [Casa de la Contratación de Indias](#), an institution created in 1503 to promote navigation, had a large team of royal astronomers and cosmographers fully aware of European astronomy.

[Eugenio Bustos, "La introducción de las ideas de Copérnico en la Universidad de Salamanca," *Revistas*

*de la Real Academia de Ciencias Exactas, Físicas naturales* (67), pp. 235-253].

## **Francisco de Vitoria (1483-1546), the Master of Masters**

It was the Dominican [Francisco de Vitoria](#) (1483-1546), who first contributed to the prestige of the School of Salamanca. Vitoria came from a family of converts. He first studied at the Universities of Burgos and La Sorbonne. He was thirty years old when he left Paris and returned to Spain. He first went to the University of Valladolid, then arrived in Salamanca in 1526, where he remained until his death.

[Since the 1980s, studies on Francisco de Vitoria have multiplied. In fifteen years (1980-1995), Ramón Hernández Martín (author of [Francisco de Vitoria. Vida y pensamiento internacional](#)) estimates no less than one hundred works have been published. See in particular, Francisco Castilla Urbano, [El pensamiento de Francisco de Vitoria. Filosofía política e indio americano](#), and Simona Langella, [Teología y ley natural. Estudio sobre las lecciones de Francisco de Vitoria](#)].

The School of Salamanca, or "Hispanic School" (since there were many of its followers in Hispanic America), was not the result of a deliberate plan, or of a well-established project. It was a current of thought that was spontaneously created around a master. And this master-founder was Vitoria. For him, as for all his followers, if power is necessary for the State, its *raison d'être* and its finality can only be the common good. The Pauline idea that power comes from God was accepted by the whole of Christianity, but it gave rise to two opposing interpretations. For some, the monarch governs and imposes laws in an absolute manner, by direct delegation from God (a point of view later developed by [James I](#) of England and by [Bossuet](#)). In Spain, however, it was quite different, since the idea outlined by Isidore of Seville (560-636) at the time of the Hispano-Visigoths—that the monarch or the dominant oligarchy does not receive power directly from God, but indirectly through the people. This conception was theorized and concretized by the great masters of the School of Salamanca in the 16th and 17th centuries. In other words, for Vitoria, [Francisco Suarez](#), [Luis de Molina](#) and so many other Neo-Scholastic authors, God does not grant power directly to the monarch, but only to the people, who freely transmit it to the king by means of a pact that can be modified. The power is "of human right;" it is not directly divine, and it can be more or less ample, according to a free pact. The king is not a mediator between the will of God and the people, but rather the people are.

Vitoria's freedom of expression from his chair is astonishing. An example: the instrument that Spain brandished to exercise its dominion over the Indies was a bull of Pope Alexander VI, which gave the

Crown of Castile a right over the lands and inhabitants of the Indies. However, in two of his famous re-readings (*Relectiones*) *De Indis* and *De jure belli* (1539) [Francisco de Vitoria, *Leçons sur les Indiens et sur le droit de guerre*, trans. Maurice Barbier, o.p., (Librairie Droz, 1966)], Vitoria simply asserts that the Emperor is not the master of the world and that the Pope is not the lord of the planet either. According to Vitoria, the papal bull does not legitimize either the conquest or the discovery. He asserts that the property of the Indians does not belong to the monarch, nor to the conquistadors, and that the Spaniards do not have the right to get their hands on the gold of America or to exploit the wealth of the continent against the will of the Indians. The emperor, he says, rules over a community of free peoples. Imperial laws are only just insofar as they serve to promote, conserve, and protect the indigenous people.

What are the illegitimate and legitimate titles of domination and conquest according to Vitoria? Illegitimate are the alleged powers of the Emperor or the Pope over the world; the right of discovery; the violation of natural law by the natives (anthropophagi, human sacrifices, incest, homosexuality, etc.); the acceptance of foreign domination by a minority of the rulers and the ruled; and finally, the alleged special gift of God. Legitimate only are: the right of people and the right of natural communication; the right to preach and to announce the Gospel freely; the tyranny of the native rulers, the agreement of the majority of the natives; the alliance and the call for help from friendly peoples; and finally, a point that seems to be debatable—the temporary incapacity of the natives to administer themselves. One sees that paradoxically the arguments that justify today the right of interference (the possibility for international actors to intervene in a State, even without its consent, in case of massive violation of human rights) are not so far from his own.

In short, according to Vitoria, the Indies should be considered a political protectorate. A protectorate justifiable only insofar as it serves the welfare of the indigenous peoples. On the other hand, Vitoria and his followers generally agree that individuals who have never been Christians should not be forced to become so.

The reaction of the Emperor, Charles V, was remarkably debonair and peaceful. He limited himself to sending a letter to the prior of the convent of San Esteban in Salamanca to urge his colleagues to show a little more restraint and caution in expressing doctrines that might offend the dignity of the Emperor and the Pope.

In his 13th lesson, *De jure belli*, Vitoria redefines the theory of just war, developed until then by Saint Augustine and Saint Thomas. He states his three principles: One should not seek the occasions and

causes of war, but should live in peace with men; the rejection of the Gospel is not a reason for just war. War should not be waged for the loss of the enemy, but for the defense of one's country and so that peace may result. It is necessary finally to have a just proportion between the violation of the right and the evils generated by the war, and to benefit from victory with measure and moderation.

If Francisco de Vitoria is often considered the founder of international law, it is not because he invented the notion of the law of nations, the *jus gentium* (the Greeks and the Romans already used, in the relations between States, elements of a true system of international law, later developed by Saint Augustine, Saint Isidore and Saint Thomas), but because Vitoria was able to discover the fundamental laws of relations between men. His genius was to consider the law of nations as a natural law, common to all men and to all States.

### **The Disciples of Vitoria**

A whole group of scholars soon became part of Vitoria's lineage. About twenty names are famous, but about 80 deserve to be studied. They soon became the moral conscience of the Empire. Among them: [Domingo de Soto](#), known for his theory of money and his renovation of the law of nation /*jus gentium*; [Melchor Cano](#), who advised King Philip II to resist the temporal claims of the Pope; [Tomás de Mercado](#), who studied the commercial exchanges between Spain and the Indies; [Martin de Azpilcueta](#), former rector of the University of Coimbra, who was the first economist to correctly analyze the process of inflation caused by the influx of precious metal from the Indies.

To these names should be added those of [Juan Gil de Nava](#), [Pedro de Sotomayor](#), [Juan de la Peña](#), [Mancio de Corpus Christi](#), [Bartolomé de Medina](#), [Domingo Bañez](#), [Juan de Guevara](#), [Luis Sarabia de la Calle](#), [Fray Luis de León](#), [Diego de Covarrubias y Leiva](#), [Bartolomé de Medina](#) and [Juan de Maldonado](#). Then, the names of a second generation, to which belonged the Jesuits [Luis de Molina](#) (who taught in Madrid and Coimbra), [Juan de Mariana](#), and especially [Francisco Suarez](#) (1548-1617). The economic thought of these authors was new and original. Domingo de Soto maintained that the wealth of nations came from exchange and not from the accumulation of precious metals. He was thus clearly opposed to mercantilism.

[Raoul de Scorraille, [\*François Suárez de la Compagnie de Jésus, d'après ses lettres, ses autres écrits inédits et un grand nombre de documents nouveaux\*](#), 2 vols.; Joseph H. Fichter, [\*Man of Spain: A Biography of Francis Suárez\*](#); José Manuel Gallegos Rocafull, *La doctrina política del P. Francisco Suarez* (Jus, 1948);

Mateo Lanseros, *La autoridad civil en Francisco Suarez* (IEP, 1949); Reijo Wilenius, *The Social and Political Theory of Francisco Suarez* (Societas philosophica Fennica, 1963); Jean-François Courtine, *Nature et empire de la loi. Études suarésiennes*; and A. Couartou-Imatz, *La souveraineté populaire chez Francisco Suarez* (Faculté de droit de Bordeaux, 1974)].

Luis de Molina explained that the right price is the price of competition, of the game of supply and demand; that the value attributed to things is subjective and not objective, as Marx, and Ricardo before him, would later say. For Molina, the right price is the market price; it is the abundance or scarcity of goods that determines their price and not the costs of production, work or risk, as was believed in the Middle Ages (via Duns Scott).

The masters of the Salamanca school criticized excessive taxation and price controls. Price controls can and should only be exceptional. They also clearly defended property, which is necessary for social peace; to deny it, to refuse it, according to them, is a heresy (Domingo de Soto), but it is not absolute; it can never be detached from its social function.

The thinkers of Hispanic Neo-Scholasticism condemned usury, but accepted moderate interest. They were therefore attacked, on the one hand, by Protestants and Catholics who demanded a return to the purity of the Church's doctrine and who reproached them for softening the prohibition, and, on the other hand, by secular authors who accused them of hypocrisy because they sought exceptions to the principle.

These thinkers also made a distinction between citizens and foreigners. Luis de Molina is the very example of the scholastic author who today offers arguments to defend restrictions on the international market and immigration.

After the Dominican Francisco de Vitoria, the most famous author of the School of Salamanca is the Jesuit Francisco Suarez (1548-1617). His work was known throughout Europe in his time. It consists of 27 volumes (unlike Vitoria who did not publish anything during his lifetime, his re-readings being notes taken by his students).

Suarez is an anti-absolutist thinker. In his *Defensio fidei* (1613), he states the fundamental axiom of Neo-Scholastic theology: "No king, no monarch, has or has had according to the ordinary law, the political

principate immediately from God or by the act of a divine institution, but by means of human will or institution" [Cited by Couartou-Imatz, *L'État et la communauté internationale dans la pensée de Vitoria* (Faculté de droit de Bordeaux, 1972), p.16]. Public power always comes from God, but it is given to the people who place it in the hands of an individual or an institution for reasons of historical circumstances. This being the case, only the authority that does not lose sight of its mission is legitimate—that mission being, the attainment of the common good and the respect of human dignity. At the heart of the Neo-Scholastic approach is the integration of theology, ethics, politics and economics. The Dominicans and the Neo-Scholastic Jesuits cannot be described as individualistic thinkers in the contemporary sense, even though their work demonstrates a constant concern for human dignity.

It is only from the beginning of the nineteenth century that several Spanish and European jurists, all specialists in international law, began to recognize the influence of Vitoria and his followers on the Dutch Protestant jurists, [Hugo Grotius](#), and the German, [Samuel von Pufendorf](#), who were then considered the only precursors of international law. Their influence on the works of the Italian jurist, [Alberico Gentili](#), the German philosopher, [Johannes Althusius](#), the French political theorist, [Jean Bodin](#), and indirectly on the group of Scottish economists, headed by Adam Smith, is equally undeniable.

The precursory character of the School of Salamanca was more and more admitted from the turn of the 20th century. In France alone, the pioneering work of [Ernest Nys](#) (1894), [Alfred Vanderpol](#) (1911), [Hubert Beuve Méry](#) (1928) and [Louis Le Fur](#) (1939) should be recalled.

In the field of economics, however, it was not until another century later that the thinkers of the School of Salamanca were recognized as the founders of modern economics. For a long time, they were confused with the most vulgar mercantilism (which defended the idea that the possession of precious metals made the wealth and power of nations). It had even been said that the thinkers of the School of Salamanca, guided by their religious principles, had been unable to understand the mechanisms of the market and prices. But this was not true!

The works of [Pierre-André Sayous](#), [Joseph Schumpeter](#), [José Larraz Lopez](#), [Luis Martínez Fernández](#), [Andrés Martín Melquiades](#), [José Barrientos](#), Juan Belda Plans, [Murray Rothbard](#), [Marjorie Grice-Hutchinson](#), [Jesús Huerta de Soto](#), [Raymond de Roover](#), [Alejandro Chafuen](#), to name but a few, have shown that the thinkers of Hispanic Neo-Scholasticism described and systematized, long before the economists of the 19th and 20th centuries, and in an almost complete way, the theory of subjective value, the theory of marginal utility, the theory of prices, the quantitative theory of money, the



phenomenon of inflation and the mechanisms of exchange. What is most surprising is that modern economic science has confirmed the conclusions reached by the thinkers of the School of Salamanca through theological and ethical reasoning, as early as the 16th century.

Many ultraliberal supporters of the Austrian School have sought to see in the Salamanca School the origins of the liberal school of economic thought.

[See Alejandro A. Chafuen, [\*Christians for Freedom. Late Scholastic Economics\*](#) / *Raíces cristianas de la economía de libre mercado* ( Buey Mudo, 2009); Thomas E. Woods, [\*The Church and the Market. A Catholic Defense of the Free Economy\*](#) / *La iglesia y la economía. Una defensa católica de la economía libre* ( Buey Mudo, 2010); André Azevedo Alves and José Manuel Moreira, [\*The Salamanca School\*](#). For the opposite view, see Daniel Martín Arribas, *Destapando al liberalismo. La Escuela Austriaca no nació en Salamanca* (SND Editores, 2018)].

Some of the most feverish supporters even went so far as to assert that "God is liberal/libertarian;" perhaps in order not to be outdone by those who, like Camilo Torres or Leonardo Boff, saw in Christ "the first communist." But this is to forget that the Neo-Scholastic authors never separated the economy from morality, from natural law and from God. And this also forgets that the principles of a just Christian order, juridical, political, economic and social, are in direct opposition to those of a liberalism that idolizes freedom and private property.

## **The Influence on Power**

What was the influence of the School of Salamanca in the 16th century? On the Church it was undoubtedly very important. Members of the School of Salamanca were omnipresent at the Council of Trent (1545-1563). During its three stages, the Spanish participation amounted to a total of almost a thousand people, of whom 245 are known among the most prestigious figures.

What about political power? It is impossible to overemphasize here the close and privileged relationship that existed between the thought of Vitoria and his followers and the Spanish Monarchy. On November 20, 1542, Charles V promulgated in Barcelona the [\*New Laws of the Indies\*](#). His decree abolished slavery and the encomienda and ordered that the Indians be considered free vassals of the Crown of Castile. But obviously the ideal ran up against the realities and the interests of the men. The



pressure of the Spanish authorities of the Indies and the various insurrections (in Peru) compelled the emperor to modify partially the contents of his decree. But the influence remained however tangible in the more than 3000 laws of the Indies enacted by the kings of Spain.

A word about the Valladolid controversy, which in 1550-1551 pitted the Dominican [Bartolomé de Las Casas](#) against the humanist theologian, also a Dominican, [Juan Ginés de Sepulveda](#). Sepulveda declared the domination of the Indians just in order to civilize them, to teach them religion without doing it by force and to have them respect natural law. Las Casas, on the contrary, was a pacifist. According to him, there was no legal title that could justify the Spanish presence in America. He proposed the restitution of lands, compensation for the Indians and peaceful evangelization. But his pacifism was perceived by the whole School of Salamanca as an unrealistic and irresponsible thought. In this, Vitoria was paradoxically closer to the realist or moderately Machiavellian (and not at all Machiavellic) Sepulveda, a fine connoisseur of Aristotle, than to the utopian Las Casas.

[Machiavellianism refers to a conception of politics that advocates the conquest and preservation of power by all means. The adjective "*Machiavellic*," which has passed into common French parlance, refers to the dark and manipulative interpretation of Machiavelli's best-known work, *The Prince* (1531). Thus "*Machiavellic*" is always sinister and nefarious. This is to be distinguished from the term "*Machiavellian*," formed by contrast to designate the concepts stemming from Machiavelli's political philosophy, without passing judgment. Thus, "*Machiavellian*" is realist philosophy in politics].

Today, scholars continue to argue about the position of the Salamanca School on individual rights. For some, the Salamanca masters represent a resurgence and development of an authentically Aristotelian and Thomistic framework centered on an organicist conception and objective natural law. For others, they are closer to the notion of subjective law centered on individual rights and liberties. For some, they are part of the most orthodox Catholic tradition; for others they break with it and anticipate modernity.

Are Vitoria and his followers at the origin of the modern conception of human rights? No, [answers the philosopher of law](#) Michel Villey. "Certainly, the Spanish scholastics had a great desire to impose their theology and their conception of a natural moral law on jurists; but to derive from it duties, obligations to be borne by the individual. They were agents of order. As for deducing from the dignity of nature the 'rights' of man, they were not ready for it, not having the taste for anarchy, because of their attachment to tradition." According to Villey, human rights have their source in a deviated Christian theology; they are the product of modern philosophy, which emerged in the 17th century.

In any case, the legacy of the School of Salamanca is originality of thought, a combination of an organic conception of society, centered on the common good, with a prominent place given to the dignity of man and even to individual rights; a simultaneous defense of the right of the city and the right of individuals.

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*Arnaud Imatz, a Basque-French political scientist and historian, holds a State Doctorate (DrE) in political science and is a correspondent-member of the Royal Academy of History (Spain), and a former international civil servant at OECD. He is a specialist in the Spanish Civil War, European populism, and the political struggles of the Right and the Left – [all subjects on which he has written several books](#). He has also published numerous articles on the political thought of the founder and theoretician of the Falange, [José Antonio Primo de Rivera](#), as well as the Liberal philosopher, [José Ortega y Gasset](#), and the Catholic traditionalist, [Juan Donoso Cortés](#).*

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[Featured](#): "Francisco de Vitoria," by Daniel Vázquez Díaz; painted in 1957.

