

Leonard P. Liggio

Executive Vice-president, Atlas Economic Research
Foundation,

Distinguished Senior Scholar, Institute for Humane Studies,

George Mason University

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The Yucatan was the center-point of one of the most important moral debate in history. It can be summarized in the title of the book: In Defense of the Indians: The Defense of the Most Reverend Lord, Don Fray Bartolome de Las Casas, of the Order of Preachers, Late Bishop of Chiapa, Against the Persecutors and Slanders of the Peoples of the New World Discovered Across the Seas. Bartolome de Las Casas's book has been translated by Stafford Poole, C. M., and published by Northern Illinois University Press.

The Friar and Bishop, Bartolome de Las Casas defended the Native Americans against the charge of those who wished to enslave them, and kill them in the process, that Native Americans were not fully human, that they lacked the intellectual and religious capacity of Europeans.

The argument put forward by de Las Casas is captured by the title of the book: All Mankind Is One by Lewis Hanke, former director of the Hispanic Foundation at the Library of Congress and of the Institute for Latin American Studies at the University of Texas. Hanke was elected the president of the American Historical Association in 1974. Lewis Hanke's All Mankind Is One (Northern Illinois University Press, 1974) is a study of the disputation before the Council of Castile between Bartolome de Las Casas and his opponent Juan Gines de Sepulveda in 1550 regarding the intellectual capacity of the American Indians.

De Las Casas had introduced a debate into Castile and into Europe which was new. Spain had recently witnessed the expulsion of two of three cultures which had existed in Spain for almost eight hundred years and longer. The Crown of Castile expelled the Spanish Jews and Moslems in 1492 because of their religious diversity.

There was no question of the intellectual equality, not to say superiority of the Spanish Jews and Moslems over the Christians.

For a hundred years before de Las Casas writings, Portugal had been in contact with African civilizations along the western coasts of Africa. These civilizations were the sources of gold, for example. By the beginning of the sixteenth century, the BaKongo kingdom of the Lower Congo not only exchanged diplomatic representatives with the Holy See, and the kingdoms of Portugal and Castile, but the son of the BaKongo king was consecrated a bishop in Rome and returned to administer his diocese in the Congo. The civilizations of the African kingdoms or the successful completion of theological studies by African priests left no question of the intellectual and religious equality of the African peoples.

Thus, the claim of the Castilian conquistadors that the Native Americans were intellectually and spiritually inferior was a new charge. Indeed, it was so novel that there were no traditions in Western Thought to justify it. There was nothing in the Fathers of the Church--Greek, Antiochan, Alexandrian, African, Roman or Gallic--to justify it. Nothing in the seventy-six volumes of the Abbe Migne's *Patrologia Latina*, nothing in the writings of Tertullian or Augustus in Africa, the Italians, Ambrose or Jerome, the Gaullic Pelagius,

John Cassian, Vincent of Lerins, Salvian of Marseilles regarding racial inferiority. A major contribution by Lewis Hanke was his book, *Aristotle and the American Indians: A Study of Race Prejudice in the Modern World* (Chicago, Henry Regnery Company, 1959; Bloomington, Indiana, Indiana University Press, 1970). Hanke notes that already in 1511 on the island of Hispaniola, the Castilians' murder, robbery and enforced labor of the Native Americans was chastised by the Dominican friar, Antonio de Montesinos, preaching on the text: "I am a voice crying in the wilderness." Hanke states: "Montesinos delivered the first important protest against the treatment being accorded the Indians by his Spanish countrymen, enquiring: "Are these Indians not men? Do they not have rational souls? Are you not obliged to love them as you love yourselves."

This sermon in America led immediately to a dispute at Burgos in Spain from which issued the first two Spanish treatises on Indian problems and the first code drawn up for the treatment of Indians by Spaniards. It is worth noting that one of these treatises, by the friar Matias de Pax, entitled *Concerning the Rule of the Kings of Spain over the Indians*, is not only the first study of this question by a Dominican but also the first known statement that the American Indians are not slaves in the Aristotelian sense.

The Laws of Burgos were proclaimed in 1512, but were not rigorously followed. The new king of Castile, the Holy Roman Emperor Charles V, reinvestigated the issues. The first specific American application of the Aristotelian doctrine of natural slavery occurred in 1519 when Juan Quevedo, bishop of Darien, and Las Casas

clashed at Barcelona before the young Emperor Charles V. Aristotle had not been used to justify slavery in medieval Spain, ... Las Casas enunciated the basic concept which was to guide all his action on behalf of the Indians during the remaining almost half century of his passionate life: "Our Christian relation is suitable for and may be adapted to all the nations of the world, and all alike may receive it; and no one may be deprived of his liberty, nor may he be enslaved on the excuse that he is a natural slave, as it would appear that the reverend bishop (of Darien) advocates."

...Juan de Zumarraga, Franciscan and bishop of Mexico, played a notable role in this conflict of ideas simply by believing that the Indians were rational beings whose souls could be saved. Every one of his contributions to Mexican culture was based on this conviction: the establishment of the famous colegio for boys at Tlatelolco and the school for Indian girls in Mexico City, the bringing of the first printing press to America, the movement for a university in Mexico, and the writing of books for Indians. An indication of the bitter and open conflict that raged on the subject in 1537, the year after Zumarraga established the school for Indians at Tlatelolco, is the fact that Pope Paul III found it necessary to issue the famous bull *Sublimis Deus* in which he stated that Indians were not to be treated as "dumb brutes created for our service" but "as truly men ..., capable of understanding the Catholic faith." And the pope ordered: "The said Indians and all other people who may later be discovered by Christians, are by no means to be deprived of their liberty or the possession of their property, even though they may be outside the faith of Jesus Christ...nor should they in any way be enslaved." (Hanke, *Aristotle and the American Indians*, pp. 15-19.)

This great debate continued before Charles V and then Philip II. But, it had an equally profound course away from the Council of Castile. It initiated in the universities of Iberia a major investigation of the application of Aristotelian/Thomist philosophy to what we might call 'modern' problems. (Cf. Lewis Hanke, *The First Social Experiments in America: A Study in the Development of Spanish Indian Policy in the Sixteenth Century* (Cambridge, Mass., Harvard University Press, 1936); Augustine Millares Carlo and Lewis Hanke, *Cuerpo de documentos del siglo XVI sobre los derechos de Espana en las Indias y las Filipinas* (Mexico City, Fondo de Cultura Economica, 1943); Lewis Hanke, *The Spanish Struggle for Justice in the Conquest of America* (Boston, Mass., Little, Brown, 1965); and Lewis Hanke, *Estudios sobre Fray Bartolome de Las Casas y sobre la Lucha por la Justicia en la Conquista Espanola de America* (Caracas, Universidad Central de Venezuela, 1968).)

The Iberian universities included: Salamanca (1243), Seville (1254), Valladolid (1346), Alcala (1409), Coimbra (in Portugal), Valencia (1501), and Santiago (1504). They had had a long-standing reputation in languages, especially Hebrew and Arabic, before the universities were formalized in the thirteenth century. Then, to the arts curriculum were added the two laws, Roman and Canon, philosophy and theology - the "ancient" problems.

The "ancient" problems discussed in the universities included the intellectual grounding of the political system of medieval Europe, in particular the rights and autonomy of

the independent bodies, the estates. The theory and practice of representative institutions was a significant contribution by the thinkers when the medieval universities were taking formal shape. Drawing on the methods of election in the Benedictine Rule, as distributed widely by the Cluniac Reform Movement, by the Cistercian and Augustinian rules, and finally, the model of representation in the new Order of Preachers (Dominicans) for the English House of Commons, the theory and practice of representation in the civil sphere was widely discussed. Similarly, application was made to the ecclesiastical sphere by the theoretical contributions of Conciliarism. (Brian Tierney (Catholic University of America and Cornell University), *Foundations of the Conciliar Theory, The Contribution of the Medieval Canonists from Gratian to the Great Schism* (Cambridge Studies in Medieval Life and Thought, edited by Dom David Knowles, Regis Professor of Modern History in the University of Cambridge) (Cambridge, Cambridge University Press, 1955).)

From the late fifteenth through the mid-seventeenth centuries, Iberian universities rivaled Paris as the center of European learning. We mentally combine these Iberian universities when we speak of the School of Salamanca, as that primary university educated most of the faculties in Iberia. They dealt with "modern" problems because these were presented by the Discoveries. The Italian navigators who sailed for the Atlantic countries (Castile, Portugal, France and England) brought to the European mind the discoveries of India, of Brazil and North and South America in a few years. The Discoveries had an immense intellectual impact on Europe.

However, the Discoveries had a direct and profound impact on Iberian intellectual life. As the disputations before official bodies by de Las Casas show, there were major discussions regarding the relations and treatment of the Native Americans. This was accompanied in the universities with studious investigations of the moral implications.

Modern economics, human rights, and international law were founded in the Iberian universities of the sixteenth and seventeenth centuries. This was no minor achievement. The greatness of the School of Salamanca is now receiving the recognition as a world-class intellectual center which it deserves. The Salamanca contribution to modern economics has been signaled by F. A. Hayek, especially at the sessions of the 1979 regional meeting of the Mont Pelerin Society held at the University of Salamanca, along with the Salamanca MPS paper of Hayek's former student, Marjorie Grice-Hutchinson, Professor of Economics at the University of Malaga. (Cf. Marjorie Grice-Hutchinson, *The School of Salamanca: Readings in Spanish Monetary Theory, 1544-1605* (Oxford, Clarendon Press, 1952); *Early Economic Thought in Spain 1177-1740* (London, Allen & Unwin, 1978; Spanish translation: Barcelona, Editorial Critica, 1982); and *Economic Thought in Spain* (Laurence S. Moss, editor) (Aldershot, England, Edward Elgar, 1993); Alejandro A. Chafuen, *Christians for Freedom: Late Scholastic Economics* (with a foreword by Michael Novak) (San Francisco, Ignatius Press, 1986); Raymond de Roover, *Business, Banking, and Economic Thought in Late Medieval and Early Modern Europe* (Chicago,

University of Chicago Press, 1976).)

The contribution of the School of Salamanca in international law has long been noted. Their focus on human rights and individual rights has received a fresh scholarly recognition. There are dozens of Iberian writers who could be mentioned. A few who should be mentioned are: Francisco de Vitoria (1480-1546), Domingo de Soto (1494-1560), Martin de Azpilcueta Navarrus (1493-1586), Diego de Covarrubias y Leiva (1512-1577), Luis de Molina (1535-1601), Juan de Mariana (1536-1624), and Francisco Suarez (1548-1617). James Gordley's important book, *The Philosophical Origins of Modern Contract Doctrine* (Oxford, Clarendon Press, 1991, p. 69-70), notes: "A synthesis between Roman law and Aristotelian and Thomistic moral philosophy was finally achieved in the sixteenth and early seventeenth centuries. It was part of a larger intellectual movement: the revival of Thomistic philosophy. The movement began in 1503, when a professor in the University of Paris named Pierre Crockaert underwent an intellectual conversion.... In 1512 he published a commentary on the last part of Thomas's *Summa theologiae* with the help of his pupil Francisco de Vitoria. Vitoria returned to his native Spain where, as a professor at the University of Salamanca from 1526 until his death in 1546, he founded the so-called Spanish natural law school.

Human rights became the focus of the writings of the School of Salamanca because of the practical questions sent to them by the missionaries in the New World. Once the humanity of the Native Americans had been vindicated, the matter of their having the right to elect or reject the missionaries offering of Christianity became paramount. One of the important contributions of the School of Salamanca was the defense of the freedom of the human will in the sixteenth century debates between free will and determinism. Thus, the free choice of the individual was central to their discussion.

The individual conscience has been the source of moral choices before and after the School of Salamanca. The individual conscience is free to elect or to reject commonly accepted standards of morality. Successful civilizations have been those in which a majority of people accepted the commonly accepted standards of morality. Unsuccessful civilizations have not seen a majority of people follow the commonly accepted standards of morality.

The Twentieth Century has provided an important model of unsuccessful civilizations--the socialist societies. The socialist societies claimed to offer an alternative to historically successful societies - a better alternative. Socialist societies were built on an overwhelming stress on state power and the negation of individual choices. Along side the system of coercion, the socialist societies claimed to have substituted moral goals for material rewards. People would produce for moral goals what they would not have for material rewards. Of course, reality showed that this is impossible. Moral incentives do not produce material products superior to those produced for material goals.

The so-called moral goals were not moral at all. How could they be if they were based on coercion? But, beyond that, it is contrary to all we know about human nature. Thus, socialists have always claimed that they are able to transcend human nature to something superior in morality - the New Man, or the New Socialist Man. Yet, they have not been any more successful than other utopias.

Of course, many individuals select to renounce material rewards on the basis of a voluntary decision. They may do so on an individual basis and enter a monastic life, whether they are Christian, Moslem, Buddhist or Hindu. Or, they may do it on a family basis as the Hutterites. Or, they may as a family select for moral and religious reasons to restrict their contacts with modern society: the Amish, Orthodox Jews, some Evangelical Protestants. These work because they are voluntary, not imposed by coercion.

I recall a conversation with a very wealthy man. I was lecturing to students from religious colleges and introduced him to the students sitting with me at lunch. They were from a Mennonite College and were studying accounting. I could not imagine anything I would rather have than a Mennonite accountant. He said he thought Mennonites were not good for business as they often bartered among themselves: carpentry for accounting services, etc. I responded that I (and other residents of Eastern U. S. metropolitan areas) would pay a premium to live among Mennonites - both for their peacefulness and their conscientious skills. I did not see their moral life-style at odds with the capitalist system at all.

There is a particular issue said by those who are anti-market or anti-liberty which I have never understood. I have never understood the market or individualism to mean that a husband operates at arms length from his wife, or the mother from her children. Individualism has always meant to me the nuclear family as the individual in the market, not one member of the family competing with the others. It seems so illogical to me to think otherwise that I cannot imagine any other proposition except from a dishonest proponent. Yet, such simple errors or bad intentions continue in the discussions of liberty and morality that what long ago should have been understood and deeper issues entertained, has not been possible.

Human nature has shown always that there is a complexity to motivation. The United States, for example, has lived according to the same redistributionist tenets as the socialist countries. The U. S. has not implemented them so completely. But, the U. S. legislation for at least six decades has been rooted in the ideas of the Progressive Movement - ideas shared with Socialism.

The U. S. New Deal imposed a non-market, unnatural economy on Americans. The U. S. gave up reliance on the market philosophy six decades ago. The purely economic functions remain market-based. New products are developed, some truly miraculous. Yet, we have found ourselves enchained in increasing regulation and increasing taxation. Money continues to be devalued year after year, even if the rate of inflation is less severe than it was some years ago. Taxation of savings has been

immense, and thus, there is a very low rate of savings; people have responded to taxation with the natural conclusion, saving is less attractive than consumption because saving is punished by the tax system. The natural consequence of this Keynesian hostility to the culture of saving is consumption.

If there were today a market economy, the behavior of people would be consistent with human nature; they would save, they would acquire increased human capital, they would think long-term for themselves and their family. But, long-term thinking or investment is punished; one loses resources by not following the government's incentives of consumption and short-term commitments.

The most important concept of the market is the total part of society's product left in the hands of the producers. If the government takes an increasing amount compared to six decades ago, there is no market economy. There are only some number of individual transactions. In a society, like today's United States, where the market has been closed off, and liberty has been smothered, there is no reason to wonder at the decline in morality.

We will not be able to achieve a return to liberty, to a market society, without a restoration of morality. But, a special infusion of morality to achieve liberty will be temporary if it is not successful in restoration of the market, or liberty.

The complexity of human nature reveals itself in the relationship of morality and liberty. We would prefer to live in an idealized world - a utopia - in which each person was moral solely because that is the right behavior. Sad as it might be, that is not the reality which God has given to us. Humans are not motivated by pure spiritual purposes. Humans are not moral simply because that is the correct behavior.

Instead, the real world which has been given to us provides us with real human beings who are not super-human. Their motivation to be moral may only be ordinary: that being moral tends to have positive material consequences, and being immoral has negative material consequences, beyond what the immaterial consequences might be, both in this life and in the hereafter.

Thus, we are faced with the paradox that when people wish to be the most kind and generous, they can create conditions for unhappiness. The current Welfare State is such an example. By trying to do extraordinary financial transfers to the unemployed, the Welfare State has taken the financial penalties of immorality away. The Welfare State has even introduced a step beyond tolerance of immorality. It has said that certain immoral behavior is on a par with moral behavior. Thus, material disincentives are removed along with moral disapproval.

Dr. F. A. Harper, the founder of the Institute for Humane Studies, wrote on the greatest economic charity - the savings and investment which created a job. The discipline and thought necessary to work, save and invest are morally recommended acts. Their creation of a job is a moral action. Further, it encourages morality in the

recipient of the job for he must discipline himself to prepare himself for the job by gaining a skill and learning to be on-time, and joining in the co-creation of the product.

Compassion for someone in particular need leads us to try to end the immediate suffering. But, that may be a contribution to postponing and ending the unfortunate change in behavior which would put the person on a long-term improvement of the situation.

We have learned a lot more in recent years than we knew about earlier models of charity. Historians Gertrude Himmelfarb, David Green, Marvin Olasky, and David Beito have provided us with a fuller understanding of earlier models. Fraternal organizations provided medical and sickness unemployment insurance, and monitored the reality of sickness or improvement by several weekly visits to bring cheer (and a visual check-up) to infirmed brethren. In order to reach the last few persons not covered by fraternal insurance entities the Welfare State eliminated the close monitoring, the direct involvement, and the motivation of lodge brothers to find a job for the unemployed brother whose wages they paid until he or they found him a job. Material incentives led to extraordinary efforts of a moral nature.

We have seen civilizations continue to decline when no effort was made to reverse the wrong paths which people had chosen. The Welfare State has caused a widening rot in the morality of society. But, most of society has not been overwhelmed as yet with the decline in morality. Those who have maintained moral standards can contribute most to the betterment of their fellow citizens if they can reverse the incentives in the Welfare State which reward immoral conduct. Thus, the healthy incentives of society will be enabled to reappear when freed from government intervention.

We may wish to recall an observation of F. A. Hayek in commenting on the contributions of Frederic Bastiat: "This is simply that if we judge measures of economic policy solely by their immediate and concretely foreseeable effects, we shall not only not achieve a viable order but shall be certain progressively to extinguish freedom and thereby prevent more good than our measures will produce. Freedom is important in order that all the different individuals can make full use of the particular circumstances of which only they know. We therefore never know what beneficial actions we prevent if we restrict their freedom to serve their fellows in whatever manner they wish. All acts of interference, however, amount to such restrictions. They are, of course, always undertaken to achieve some definite objective. Against the foreseen direct results of such actions of government we shall in each individual case be able to balance only the mere probability that some unknown but beneficial actions by some individuals will be prevented. In consequence, if such decisions are made from case to case and not governed by an attachment to freedom as a general principle, freedom is bound to lose in almost every case. Bastiat was indeed right in treating freedom of choice as a moral principle that must never be sacrificed to considerations of expediency; because there is perhaps no aspect of freedom that would not be abolished if it were to be respected only where the concrete damage

caused by its abolition can be pointed out." (F. A. Hayek, "Introduction," Selected Essays on Political Economy by Frederic Bastiat, Princeton, New Jersey, Van Nostrand, 1964)