

VIII. Conception (Detailed View):

I. Homo et communitas

Deepening now our exploration of the perspective sketched under **I. Conception (Short View)**, there is, first of all, an undeniably decisive question about **what is the human being** and how the understanding of one's humanity is possibly measured by his/her social and political status. It is perhaps the polemical works of the Dominican Bartolomé de Las Casas (*ca.* 1484–1566), epitomized in the *Brevísima relación de la destrucción de las Indias* (1552), whose background was the fierce criticism of the much discussed system of concession in the first period of Spanish colonization, that is, the *encomienda*, that best characterizes the significance of the debate on *human nature* and *human status*, together with an articulated defence of *natural human rights* of the “Indians”. Las Casas' philosophical views are above all a (sometimes loose) appropriation of “Thomistic” theories, grounded on his readings of *Summa theologiae* IaIIae and IIaIIae, on a strong Augustinian account of the human being as person (particularly in Las Casas' *De unico vocationis modo omnium gentium ad veram religionem*, *ca.* 1537), and on his particular historical spheres of application of Aquinas' doctrines. But it is arguable that Las Casas' thought at least partially represents theological and philosophical accounts on the status of the human individual, the nature of political community, slavery, human rights and natural rights of peoples that were first developed, at their decisive moment, by the Dominican Francisco de Vitoria (*ca.* 1483–1546).

In Vitoria's works the powerful confluence – to be found also in the subsequent generations of thinkers who pursued systematic views of philosophy and theology grounded on (usually) sharply distinguished medieval traditions and “schools”, above all “Thomism” and “Scotism” – of the authority of the Church Fathers, medieval masters, Roman and Canon Law, as well as classical sources such as Plato's and Aristotle's *corpora*, could be exemplarily verified for the purpose of solving new practical problems. Accordingly, if we see an account of the human being as a “creature” causally related to the one God (Augustine, *Confessiones* I; XI; *De doctrina christiana* I,7; *De vera religione* 18,35-36), as a rational-animal substance (Aristotle, *De anima* III,3; *Politica* VII,13; *Ethica Nicomachea* I,6), as a self-determined being by means of reason and free election (Thomas Aquinas, *Summa theologiae* IaIIae q.1 aa.1-2; q.6 a.2), and a rational-social being (*Politica* I,2; III,6; *Ethica Nicomachea* I,5; VIII,14; IX,9), not possibly detached from a specific human *communitas* (*Politica* I,1-2; II,1-6; *Ethica Eudemia* VII,10), there are also substantial debates on the universal claim of a human soul's capability to come to the belief in God, on the universality of a human soul, on the roots of idolatry and its damage to the soul, on the universal claim of a true human moral life, on human being's condition to experience and learn true religion. In fact, Vitoria and the thinkers of his generation had to face and provide answers to unexpected “differences” among human beings.

Inspired by these debates, we would like to invite scholars dedicated to **Latin Medieval Philosophy, Islamic Philosophy, Jewish Philosophy, and Byzantine Philosophy**, to discuss the most central philosophical claims on human being's nature and the understanding of one's humanity within the horizon of human *communitas*. We insist, of course, that SIEPM members pursue the understanding of the textual *corpora* and major philosophical concerns of their own areas of interest. We believe that further interrelated questions provide insightful clues to the context of problems just sketched: How the patterns and forms of “difference” in the account of human being as such and in human beings' relationships to each other were conceived in medieval philosophy? How do such accounts express views on gender, minorities, structures of subjection, authority relations, but also on principles of equality, human friendship and links, on kinds of unrestricted mutual duty and virtuous concern?

II. Natura et mundus

The well known discussion on the human status of the indigenous peoples was conducted in close connection with the debate on their “rulership” (*dominium*) and possession of things, territories, and lands. Such a *dominium* depended on their status as human individuals, and the denial of it had the intention of eventually legitimating the conquest and rulership over their possessions and resources by the colonizers – this is the context of the famous Part I of Francisco de Vitoria's *De indis recenter inventis relectio prior* (1539). In fact, the recognition or not of the human and political status of the New World's inhabitants could also have as a consequence the legitimacy of conquest and rulership over non-human things for the purpose of human being's

use and social welfare. It is not difficult to see here a special opportunity to bring into consideration a **reflection on nature** – both understood as “**physis / natura**” or the totality of things composed by matter and form and subject to change (Aristotle, *Physica* II,1-2) and more narrowly as “**mundus**” taken here as the Earth or this portion of universal creation, i.e. the terrestrial globe, its geography, its lands and nations, our “common place” or *orbs*.

We see in the new description of the “world” and its human and non-human elements by 16th Century Scholastic thinkers an opportunity for **all scholars of our Société** to study medieval accounts of nature and of the inhabited (or inhabitable) world anew, with a particular focus on the several forms of relationship between human beings and the non-human beings and things.

If that invites us to rethink the concepts of “rulership” (*dominium*), “use” (*usus, ususfructus*), “possession” (*possessio*), and “administration” (*administratio*), as well as the forms of hierarchical conception and relationship with all non-human parts of nature, this is also an opportunity to reflect philosophically on the creational, pedagogic, aesthetic, and moral purposes of nature. Moreover, through the inspiration provided by a particular form of literature in the 16th century, namely the “natural” and “moral histories” of the world (see, for example, the *Historia natural y moral de las Indias* (1590), by José de Acosta S.J. (1540– 1600)), we would like to invite **all SIEPM scholars and researchers** to investigate both the (Euclidean) scientific and the symbolic representation of places, the representation and explanation of ethnicities and cultures, as well as to revisit the philosophical understanding of the world according to well-reflected accounts of its history.

Following this same line of subjects, looking at the reception of the corresponding ancient Greek literature on **Latin** (particularly in and after Albert the Great’s times and achievements), **Byzantine, Islamic, and Jewish thinkers**, we would like to emphasize the importance of the scientific-descriptive study of nature as totality of fauna, flora, landscapes, places, elements, geographical sites, meteorological phenomena, etc., providing a classification and understanding of the natural or the non-human world that at the same time reveals aspects of closeness or detachment of human being towards it. In that regard, we also would like to promote investigations of “*naturales historiae*”, from the ancient throughout the medieval sources up to early modern scholastic works (by means, for example, of syntheses on the natural sciences and the study on commentaries on Aristotle’s *De caelo*, *De generatione animalium*, *Historia animalium*, *De motu animalium*, *De partibus animalium*, and *Meteorologica*, as well as books such as *Naturalis historia* by Pliny, the Old).

III. *Politia et res publicae*

Given what was reported above, it is not surprising the enormous interest in **political issues** by thinkers who philosophically conceived the New World. Early on, in Mexico, the bishop and humanist Vasco de Quiroga (*ca.* 1470/1478–1565) made use of Thomas More’s *Utopia* (1516) in order to conceive *congregaciones* for natives who had lost their social establishment. Representing the spirit of the first Jesuit missionaries in Brazil, Manuel da Nóbrega (1517–1570; Superior General of the Jesuit missions in the New World), discussed philosophically – in treatises such as *Diálogo sobre a conversão dos gentios* (1556/1557), *Tratado Contra a Antropofagia* (1559), and *Caso de Consciência sobre a Liberdade dos Índios* (1567) – the topics of slavery, sovereignty of land and territory, nomadism, cannibalism, the differences among ethnicities, acceptable models of social institutions, and the natural basis of ethics. Following a thesis masterly formulated by the founder of the School of Salamanca, i.e. Francisco de Vitoria (*De indis recenter inventis relectio prior*, Part I), Manuel da Nóbrega – as well as José de Anchieta S.J. (1534–1597) and António Vieira (1608–1697) after him – affirmed the equalness of all human beings and explained differences among peoples or nations mainly in terms of educational, circumstantial and environmental contingent conditions. 16th century scholastic literature on the “conquista” was fundamentally interested in both defining and explaining the various kinds of “political entities”, such as “people”, “society”, “nation”, “city”, “republic”, and “empire”, including here the debate on the best forms of government and the justification of the origin of power. About this last point, if a jusnaturalistic foundation of power was initially dominant (see also Francisco de Vitoria, *De potestate civili*, nn. 3-7), the old support of hierocratic-imperialist theories survived (following controversial interpretations of, for example, Augustine’s *De civitate Dei* XVIII and also Thomas Aquinas’ *De regimine principum* I,3) and were strongly restated in 17th century colonial political and legal theories.

In fact, it is impossible to understand the philosophical assessment of human beings' political dimension and relationships in early Latin American scholasticism without deeply delving into the reception of Aristotle's political thought and the late (14th and 15th centuries) medieval debates on the origin, nature, and scope of secular and ecclesiastical power. We would like to invite **all SIEPM members** to engage in their study and characterization. And beyond the topics just mentioned, we invite **all members of the Société** to undertake, **within their own areas of expertise and interest**, a series of investigations of fundamental political subjects such as economy and labour, the role of friendship as a means towards the political common good, the grounding of political virtues and the place of education in the flourishing of political entities (including here the goals of certain "standards of civilization" and the possibility of the learning of religion). All these are quite Aristotelian themes indeed (see *Politica* I,4; I,8-10; *Ethica Nicomachea* VIII-IX; *Politica* I,2; III,13; *Politica* III,4; *Politica* VII-VIII), but at the same time they belong to the whole set of medieval traditions and texts focused on the philosophical grounding of politics.

Moreover, it is a very important theme in our reconstruction of political relationships in medieval and second scholastic philosophical thought the entwining of religion and politics, particularly in what respects political establishment and religious differences – both regarding minority religious groups in a given society or the mechanisms of force and violence towards "infidels". In fact, related aspects have been the object of scholarly studies by members of the Société (see recently, for example, the Annual SIEPM Colloquium "Tolerance and Concepts of Otherness in Medieval Philosophy", September 09–12, 2015, at the National University of Ireland Maynooth). This may be a rich and insightful way of conceiving philosophical political values and virtues on those matters, such as religious peace and tolerance, the investigation of the historical reception and interpretation of texts such as, for example, Thomas Aquinas' *Summa theologiae* IIaIIae qq.10-14 and – surprising as it may be – Duns Scotus' *Ordinatio* IV d. 4 p. 4 q. 3 n. 166-173. Regarding this last subject, as well as regarding the subjects under the general topic explicit in the paragraph below (i.e. "Law"), we believe that it would be particularly fruitful to describe the disputes between Dominicans and Franciscans in the 14th century and thereafter.

IV. *Lex*

Finally, scholars dedicated to the interpretation of Latin American scholasticism have already realized the enormous significance of ethical and legal debates and writings in the period, namely those that reflect on cultural differences, human rights and the law of peoples, even though there are no definitive studies exposing the actual or complete development of these topics. It is perhaps in the area of "**law**" – both in ethical, political and strictly juridical aspects – that the encounter between Latin America and medieval thought mediated by Second Scholasticism happened in the most intensive and fruitful way. Truly, the first encounters of the Old World and the New World were both a test for the universality of (natural) law and at the same time were mediated by the rule of (natural) law. As unwritten or written form of justice, taken here as the implicit or explicit practical rationality that should (as virtue and / or rules) both mediate and justify human relationships, law as expression of right (practical) reason puts the grounds for giving that encounter of worlds the support of ethical normativity. Clearly, such a view of human relationships and societies **is a major topic of medieval philosophy and of all different areas of interest of our Société**: it finds motivations internal to religious views on morality, and its significance is similarly shared both by rather Platonic, Aristotelian, Stoic, Roman or Neoplatonic tendencies.

Accordingly, **we invite all members of the SIEPM** to revisit the traditions of "divine law" and "natural law", both under the explicit form of religious law (emphasizing jurisprudence, techniques of interpretation, and the logic of legal determinations in **Islamic and Jewish philosophy**) and by exploring major "school" differences in the grounding of natural law theory, in the epistemology of moral knowledge, in the learning of the law and the imputability towards the law. We also propose a focus of investigation on the connections between law and justice and justice and equity (very important connections in Latin American scholasticism due to challenge of universal claims of justice in scenarios of cultural pluralities), as well as on the arising of theories of human goods and human "dignity", respectively of subjective and human rights. Given the profound relevance of the debate on the natural law basis of the law of peoples and the emergence of an "international public law" to regulate the relationships among states and nations (again, see Francisco de Vitoria's *De indis recenter inventis relectio prior*, Part III), we would like to further – particularly in **Latin Medieval Philosophy** in its entirety – the investigation of the *ius gentium* (for example, based on the versions proposed by Cicero, Gaius, and much

later Aquinas, as well as Ulpianus, Justinian, Isidore of Seville, and Gratian), as well as similar legal accounts in medieval philosophy within **Byzantine, Jewish, and Islamic traditions and sources.**

Last but not least, we must stress that the experience and relationships of “conflict” characterize significantly the way how Latin American history indirectly touched medieval thought. After all, from philosophical reflections on the “conquest” to philosophical theories on “war” and “just war”, both as a legitimate violent reaction against political offences and against momentous sins offending natural law or crimes against humanity, the moral and legal evaluation of conflicts permeate the mental framework of the early modern beginnings of our continent. In that regard, we invite **all members of the SIEPM** to take into consideration, **within their areas of interest**, the study of conflict situations and relationships on a moral and legal perspective, emphasizing the justification of reasons that interrupt or even make impossible human living together (sin and crime), but also discussing the justification of decisions and actions that bring reconciliation into human life (forgiveness, repairing, compensation, satisfaction, and restitution). It goes almost without saying that the explanation and justification of the conflict of war – of “just” and “unjust” wars – should play a major role in our proposed analysis of relationships of conflict, under the headings “ius ad bellum”, “ius in bello” and “ius post bellum” (among the many sources, see Augustine, *Contra Faustum* XXII,74-78; *Epistolae* 138, 189, 229; *De civitate dei* XV,4; XIX,7.12-15; Raymond of Pennaforte, *Summa de casibus* II,5.17-18; Alexander of Hales, *Summa theologica* III, nn. 466-470; Baldus of Ubaldis, *Consilia* V, cons. 439; Thomas Aquinas, *Summa theologiae* IIaIIae, q.40, aa.1-4; John of Legnano, *Tractatus de bello*; Francisco de Vitoria, *De indis recenter inventis relectio posterior* (1539); Francisco Suárez, *De triplice virtute theologica*, tract. III, disp. XIII (*De bello*)).

This would once again provide a wide range of compared analysis between the ethics of conflict and the political and religious dimensions of “offences”. Truly, if the purpose of just war is to reestablish social order and peace, the ethical value of peace should receive as much attention.

All SIEPM members are cordially invited to engage in the investigation of the themes and topics explored above. The organizers’ purpose was to offer a perspective important to their context and both unquestionably relevant and comprehensive to the members of the Société.