take him unaware: let him work for a true humanism, one which, (to quote Sir Richard Gregory again):

> 'Takes account of all factors of cultural development, secular or sacred . . . understands clearly that the earth is but a temporary home, not only for the short span of individual life, but also for the whole human race. As tenants or trustees our duty is to make the best use of the resources of our heritage by the exercise of all our talents, and with the belief and hope that by so doing we are contributing to make men god-like, if not godly, in the sense of religious faith. So may the earth become part of the heavens of the universe, in spirit as in truth'.

B. WORTLEY.

HUMAN DIGNITY IN THE THOUGHT OF VITORIA

AS SEEN PRINCIPALLY IN THE RELECTIO DE INDIS

WITHOUT falling into the detestable errors of racialism, we can say that national cultures enshrine, at least in a measure, qualities both good and bad truly characteristic of the nation. Thus we may see in Spanish history, literature and art, a great emphasis on man's natural dignity, an emphasis which at times passes from virtue to vice in the pride which is at present so curiously insisted on by some who pretend to a special understanding of things Spanish. The great Spaniard, Francisco de Vitoria, although far from approving an unhealthy national pride, does in fact bring out very clearly that man, by his own proper nature, is invested with a dignity which is involved in the moral consideration of the most diverse activities.

In his day the Spanish tendency to boasting—pilloried in the *Rodomontades*—had real and marvellous achievements to rest on, and the reconquest of Christian Spain was at last an accomplished deed. Moralists and theologians were imbued with a feeling for man's greatness. Vitoria in particular was concerned in his thought with the dignity of man as such, rather than man as Spaniard. In the *Relectio de Indis* he brings out most clearly that the treatment of barbarians must be governed by what is worthy of man in himself. Nothing does so much credit to Spanish culture as that, even while the baroque style in sentiment and manners was elaborating its less admirable features—ostentatious display, excess of pride, of panache, and the absurdities of *pundonor*—Spain could still produce a man like Vitoria whose simplicity, austerity, and firm adherence to principle give us

the Spanish feeling for dignity in its best form, as expressed by *gravedad*.

Vitoria best reveals his attitude to human dignity in considering the problems raised by the discovery of the New World, because he as a member of a nation with a brilliant past and present culture, is dealing with barbarians whom unknown centuries of isolation had undoubtedly retarded. He has valuable things to say, however, in his courses on other subjects, and these may serve as an introduction. Vitoria never expressly considers man's dignity as such, but in several places he lays bare the essence of the matter, and an examination of some of these passages will amply repay the student of human problems.

The essence of man's dignity is in his possession of reason, which marks him off from other animals and makes him God's image. Vitoria uses this fact in the *Relectio de Indis*, in an argument we shall consider later, but his mere statement of it (a commonplace, of course, of Christian theology) is helpful here: 'Man is God's image by nature, that is by his reasoning powers'.[1] The exercise of human dignity flows from this possession of reason and special likeness to God: Vitoria brings it out in a *Relectio* on the use of Reason,[2] where he defines the state of coming to the use of reason (as distinct from having reason) as 'to have free will' or 'to be master of one's actions'. Nothing could be more succinct as a definition of dignity, of what is worthy of man by his nature. Sin is a lapse of dignity willed by man himself; indignities come from without, aimed precisely at preventing that mastery of his own actions which distinguishes man in the full exercise of his functions. Or again, we are near the ridiculous, the laughable, if we press honour and dignity too far, or misplace their outward marks. In this *Relectio*, Vitoria's object was to discover man's obligation by virtue of this privilege of reason which makes him like God in a special way, and brings out from every individual man the recognition of the worth of his kind, both in the abstract, as when he acknowledges the claims of natural religion, and in the concrete, as when he treats his fellow with proper consideration.

1*De Indis*, I, 320. The translation here used is that of J. P. Bate, published in the edition of the *De Indis* and *De Iure Belli*, ed. by E. Nys, pub. by the Carnegie Institution, Washington, 1917. Both these, with extracts from or complete versions of other *relctiones* are also published as appendices to J. B. Scott, *The Spanish Origin of International Law*, Oxford, 1934, who gives most interesting analyses of them. As the reader may wish to refer to the texts in either of these volumes, the page number of the 1696 Simón edition as supplied by the above editors, rather than their own page numbers, which differ, has been used. This has the advantage of enabling anyone within reach of Simón to use his edition. In two or three places the translation has been altered slightly.

2*Relectio XIII*, *De eo quod tenetur homo cum primum venit ad usum rationis*, quoted and discussed in Scott, *loc. cit.*, but not reproduced.

Vitoria was really concerned with a religious controversy, occasioned by the discovery of the Indians of the New World, as to what was the fate of those born out of reach of the New Dispensation of Christ. 'Does every man . . . find the way of salvation and eternal life open to him?' But here Vitoria only gives us the philosophical basis for a full answer, an answer which was one of the glories of the Spanish contribution to Trent. From no man is withheld the means of salvation, provided he does what in him lies: this proposition was the ground-work of Vitoria's own doctrine of grace. In this he helped to preserve for Christian belief the efficacy of man's will and the value of his ability to merit. Vitoria, in this *Relectio*, limits himself to whether on attaining the use of reason one is bound to accept immediately the dictates of reason, and whether, in the presentation of Christianity or of natural morality, each of them is the expression of God's will. In other words, God recognises, if we may use the word, the dignity which he has himself conferred on man; there is on the side of God a courtesy towards us to make us tremble; man's uniqueness is in his reason; it is by his reason that God will give him eternal life. Salvation is not an indignity as some theologies would appear to make it, but consonant with man's nature not only in its own quality but also in the manner of its bestowing. Vitoria was of course following St Thomas, but applying it to a context (for the discovery of the New World was a ferment in Spanish life) undreamt of in St Thomas's day.

It is when he deals directly with this theme that Vitoria brings out most clearly the nature of man's dignity. It was indeed most fitting. The natives of the Antilles (the islands of the West Indies) were lower in cultural level than the majority of the American Indians who have survived, and some were savage in the sense of fierce as well as wild. Granted this, Columbus and some of the Spaniards who followed him had nevertheless treated the island Indians with every indignity and enslaved them. Worse than this, they were quickly exterminating them. This of course had its disadvantages for the owners of the enslaved Indians. Not only this, but the Indians of Mexico and Peru, and the nations within their radius of influence were far in advance of the primitive islanders, and presented more of a problem to the Spaniards. Finally, though Las Casas had not yet made his impassioned plea on the Indians' behalf at the time (1532) that Vitoria composed his *Relectio*, he was already working in collaboration with the Dominicans (whom he later joined), on behalf of the Indians on the American mainland. In Spain, the New World was a very real topic of debate. The effect of Las Casas, Vitoria, the opinion of Salamanca and of the best elements in the

nation generally was to free the Indian and restore him to his own dignity, at least in theory, and to some extent in practice. Vitoria has a concrete claim to being a practical restorer of human dignity as well as a thinker who keenly perceived its importance in the philosophy of religion, law and politics.

In the *Relectio de Indis* we have Vitoria's 'fair copy' of his lectures on the subject of the right of the Spanish sovereign to occupy the New World of America. Vitoria considers all the many titles that theologians and jurists, interested and disinterested, had already put forward to justify the *fait accompli*. Without favouring them all, he ultimately decides that the Spaniards have every right to free access and to trade, and that, for the sake of the many native Christians, the Spaniards could not now safely withdraw. As he works steadily to his conclusion, Vitoria demolishes many dearly-held illusions of the day, in the interests of Truth. He thus contributed largely to a great body of legislation for the Indies, which is one of Spain's surest claims to greatness of culture. In fact, in oecumenical spirit and in providing intellectual opportunity to diverse races, no nation has as yet come up to the sixteenth century standards of Spain, from which, indeed, she has herself declined in more modern and less 'philosopher-ridden' times.

In the realms of religion there is one point which demands clarification; for unless we bear in mind his principles we might otherwise find Vitoria both puzzling and unmindful of the full degree of human autonomy. He is considering, in the beginning of the *De Indis*, the necessity, in cases of doubt, of taking advice from those qualified to give it. He goes on to say that, in such doubts, once the advice is given, one is bound to follow it, under pain of sin, even though in fact the advice might be mistaken. His principle here is that safety of conscience is the goal to be aimed at; if a matter is doubtful, it follows that the individual cannot decide for himself what is right; therefore his next step, as a rational being, is to seek information from those entitled to give it, the moral theologians. Once they have pronounced, even though they may be wrong, it is not licit to go back and decide for one's self. (Granted the state of knowledge of the problem remains the same on the part of all involved.) Safety of conscience is given by the fact of seeking advice. That is the rational course. It is the basis; and in Vitoria we see the beginnings of the immense growth of the confessor's and director's roles in the devotional life of Catholicism in the Counter Reform. Here, too, the Spaniards played a great part; for Molina belongs to the next generation, Suárez to the next but one. A safe conscience is a function of human dignity. For the 'romantic' outlook, too often, the individual is supreme, even

absolutely supreme, and his dignity is found in this supremacy; or it is at least regarded as tragic that in matters of moral judgment the individual cannot be supreme. In Vitoria's philosophy the individual retains dignity precisely through conscience, and through conscience not absolutely autonomous but linked with a consensus of rational judgment in the human community. It is conscience that links us all—however imperfectly in the varying circumstances of life—with the ground of all dignity, reason, and with the divine Nature which reason reflects.

In the second part of the *De Indis*, Vitoria deals with the argument advanced by some contemporaries that as the inhabitants of the New World refused to accept the Faith, they could be compelled by the Spaniards to accept it by force (and so provide a title to occupation of their territory). Vitoria argued that unbelief in those who have not heard of Christ is not a sin (and he refers us to St Thomas, II-II. x:6, and xxxiv:2); but what concerns us here is Vitoria's insistence on the right, indeed the duty, of the barbarians not to believe on mere assertion, or rashly, and Vitoria's realisation that for the barbarians the Spaniards held no credentials. Again, a rational view of man and his duty, and a rational view of extraordinary circumstances, safeguards fundamental human dignity. Vitoria grants that the Indians are bound to listen, and to accept, if the Faith is well presented and 'accompanied by an upright life, well-ordered according to the law of nature (an argument which weighs much in confirmation of the truth)'.[3]

> It is not sufficiently clear to me that the Christian faith has yet been so put before the aborigines and announced to them that they are bound to believe it or commit fresh sin. I say this because . . . they are not bound to believe unless the faith be put before them with persuasive demonstration. Now, I hear of no miracles or signs or religious models of life; nay, on the other hand, I hear of many scandals and cruel crimes and acts of impiety. Hence it does not appear that the Christian religion has been preached to them with such sufficient propriety and piety that they are bound to acquiesce in it, although many religious and other ecclesiastics seem both by their lives and example and their diligent preaching to have bestowed sufficient pains in this business, had they not been hindered therein by others who had other matters in their charge.

Vitoria's point is that you may not outrage even the barbarians by presenting the tragic paradox of divine and saving doctrine accompanied by the example of inhuman conduct. He implies that their human integrity would be suspect if they were to accept Christianity

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3*De Indis*, II, 371.

in such conditions; and he goes on at once to propose this: Though the Indians may really have had the Christian faith adequately announced to them, and they have refused it, yet this is not a reason for making war on them. Vitoria quotes St Thomas (II-II. x:8) that unbelievers who have never received the faith are in no wise to be compelled to do so. 'The proof lies in the fact that belief is an operation of the will. Now fear detracts greatly from the voluntary, and it is a sacrilege to approach under the influence of servile fear as far as the mysteries and sacraments of Christ'.[4] Vitoria has occasion again elsewhere to dwell on the importance of a will freed from improper motivating forces for the production of a true human act. Some said the Spaniards were in America at the free choice of its inhabitants to put themselves under the Spanish sovereign. In what he says to this, we catch sight too of the favourite Spanish doctrine, vital to the Spanish sense of personal human dignity, and not of course peculiar to Vitoria, of the repose of sovereignty upon popular consent.

> I . . . assert . . . that this title . . . is insufficient . . . because fear and ignorance, which vitiate every choice, ought to be absent. But they were markedly operative in the cases of choice and acceptance under consideration, for the Indians did not know what they were doing; nay, they may not have understood what the Spaniards were seeking. Further, we find the Spaniards seeking it in armed array from an unwarlike and timid crowd. Further, inasmuch as the aborigines . . . had real lords and princes, the populace could not procure new lords without other reasonable cause, this being to the hurt of their former lords. Further, on the other hand, these lords themselves could not appoint a new prince without the assent of the populace. (*De Indis*, II, 379, 380.)

Human dignity and the rights of man flowing from his possession of reason must be taken account of in estimating his duty, not only in regard to hearing the Faith, but also his acceptance of it; God asks 'a reasonable service'.

It might be thought that the rejection of a reasonable service upon at least a natural plane was so radical an abdication of human dignity that it certainly could give title to the righteous to restore transgressors by force. There was indeed a solid opinion in the Church that if the Gentiles who had 'no other law than the law of nature break that law, they can be punished by the Pope'. The force of this

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4 'Wherefore if any persons, not believing, are constrained to enter a church, to approach the altar, and to receive Sacraments, they certainly do not become true believers in Christ, because that faith without which "it is impossible to please God" must be the perfectly free "homage of intellect and will". Should it therefore at any time happen that, contrary to the unvarying doctrine of this Apostolic See, a person is compelled against his will to embrace the Catholic faith, We cannot in conscience withold Our censure'.—Pius XII, *Mystici Corporis Christi*, 103.

kind of argument really lies in the emotion aroused by the shocking nature of the various sins alleged, e.g., human sacrifice, or in the narrower sense, sins against nature. Vitoria easily demonstrates on principles already granted (*viz.* the limitations of papal jurisdiction, the spiritual power cannot impose civil penalties, the difficulty of demonstrating natural law to all,) that there is no case here and no new ground is involved, and gives us incidentally an admirable example of keeping one's head. The present point is that the dignity of the human being, resting upon reason, issuing in free will, involves 'the freedom to be vile'. Where whole 'nations' are ignorant of, or ignore, even the law of nature, such a non-observance does not constitute a ground for the use of force. This view does not prevent Vitoria from granting that the Spaniards had the right to intervene with force to protect the victims of human sacrifice; indeed he agrees, though with reservations, that such practices constitute a lawful title 'whereby the Indians might fall into the power of Spain'.

In so far as Vitoria touches on matters of politics, his constant regard for human dignity also bears much fruit. In a letter quoted in Scott and printed elsewhere in full,[5] Vitoria opens the question more fully.

> 'If the Indians are not human beings, but monkeys, they are not susceptible to injury. But if they are human beings and fellowmen, and—as they themselves declare—vassals of the Emperor, I see no ground on which these conquerors may be acquitted of extreme impiety and tyranny'.

Vitoria's whole outlook rests on his recognition of this common humanity, and he continues the theme in a later portion of the *Relectio* (II, 306) when he says of 'discovery' as a title to domination by Spain, 'in and by itself it gives no support to a seizure of the aborigines any more than if it had been they who had discovered us'. Yet there was a great contrast between the civilization and culture of those Indians and of Vitoria's own nation. Nevertheless, as regards inherent human dignity, there could be no disparity, for it was founded on reason.

In the *Relectio de Indis* itself, Vitoria is early brought up against the Aristotelian theory and justification of slavery: 'Some are by nature slaves, . . . who are better fitted to serve than to rule'. The whole of the first section of the *De Indis* considers this point of view in detail, but Vitoria, without flatly contradicting Aristotle, neatly extricates the Philosopher and concludes:

> My answer to this is that Aristotle certainly did not mean to say that such as are not over-strong mentally are by nature subject

[5]Heredia, *Ideas . . . sobre la colonizacion de America.* Anuario de la Asociaion Francisco de Vitoria, 1929-30.

to another's power and incapable of dominion alike over themselves and other things; for this is civil and legal slavery, wherein none are slaves by nature. Etc.

In the course of his argument, Vitoria had to consider whether 'dominion'—the right to ownership, 'to put a thing to one's own use' —which was in ancient civil law the distinguishing mark between slave and free, was not forfeited by mortal sin, (a Waldensian and Wycliffite heresy condemned at Constance). He insists that a man does not lose this right because of sin. Firstly, it is a gift of God; and secondly, it is 'founded on the image of God; but man is God's image by nature, that is by his reasoning powers . . .' Ownership is an attribute of dignity and, like it, reposes on reason, wherein man is nearest to God.

Interested parties at the time denied the rationality of the Indian, or failing that stated that he was irremediably weak-minded. In the course of the long argument on dominion to which his final answer has already been given, Vitoria deals with this suggestion in the following words, which are also eloquent on the theme of dignity:

> . . . let our fourth proposition be: The Indian aborigines are not barred on this ground from the exercise of true dominion. This is proved from the fact that the true state of the case is that they are not of unsound mind . .. because there is a certain method in their affairs, for they have policies which are orderly arranged and they have definite marriage and magistrates, overlords, laws and workshops, and a system of exchange, all of which call for the use of reason; they also have a kind of religion. . . . Accordingly I for the most part attribute their seeming so unintelligent and stupid to a bad and barbarous upbringing, for even among ourselves we find many peasants who differ little from brutes. (I, 333,, 334.)

Another aspect of this question, also political, occupies Vitoria at the end of the *Relectio de Indis* (III, 406-408.) What he says is so clear that his words may be quoted without further comment:

> There is another title which can indeed not be asserted, but brought up for discussion, and some think it a lawful one. I do not dare to affirm anything about it, nor altogether to condemn it. It is this: Although the aborigines in question are (as has been said above) not wholly unintelligent, yet they are little short of that condition, and so are unfit to found or administer a lawful state up to the standard required by human and civil claims. . . . It might therefore be maintained that in their own interests the sovereigns of Spain might undertake the administration of their country . . . so long as this was clearly for their benefit. . . . And surely this might be founded on the precept of charity, they being our neighbours and we being bound to look after their welfare. Let this however . . . be put forward without

> dogmatism and subject also to the limitation that any such interposition be for the welfare and in the interests of the Indians and not merely for the profit of the Spaniards. For it is here that all the danger to souls and salvation lies.

In the *De Indis*, 391, 392, Vitoria takes up the teaching of the Code of Justinian on nationality, and as Professor Scott points out, places it on a rational foundation, a thing which modern sentiment tends to obscure:

> If children of any Spaniard be born there and they wish to acquire citizenship, it seems they cannot be barred either from citizenship or from the advantages enjoyed by other citizens . . . And the confirmation lies in the fact that, as man is a civil animal, whoever is born in any one State is not a citizen of another State, to the prejudice of his rights under both natural law and the law of nations.

Citizenship then, as befits the essential dignity of man, is inherent in birth. It is a rational status, not a pseudo-mystical state. Nor is the stranger within the gates forgotten. The same paragraph continues:

> Aye, and if there be any persons who wish to acquire a domicile in some State of the Indians, as by marriage . . . they cannot be impeded . . . provided they also submit to the burdens to which others submit. . . . Hence . . . refusal to receive strangers and foreigners is wrong in itself.

Where one exercises duties, one has the right of citizenship; where people work together, there is a nation. Culture is a conscious product, or, more strictly, a rational product, the effect, if we may reverently appropriate the Apostle's words, 'of all men working together for good'. Vitoria, it must be remembered, was here envisaging a state where different races were to live together in harmony—and on the whole it must be said that the Latin American states which today represent the vague American 'there' of Vitoria's text have given a true example of this harmony of peoples, and that they have maintained this collective human dignity is due to the spirit which Vitoria himself and his school inculcated in his fellow-countrymen.

This cursory review may end with an example in which Vitoria seems, with all the passion for the ideals of knighthood which was characteristic of sixteenth-century Spaniards, that was portrayed with such sympathy even in distortion by Cervantes in *Don Quixote*, to have raised dignity to a higher power, the power of chivalry. The knight, an idealized embodiment of human dignity, seeks the expression of that dignity precisely in restoring and furthering the rights and welfare of others, especially the weak who cannot defend their human rights and dignity themselves. Vitoria granted that

> If the Indian natives wish to prevent the Spaniards from enjoying any of their above-named rights under the law of nations, for instance, trade . . . the Spaniards ought in the first place to use reason and persuasion . . . and . . . show they do not come to the hurt of the natives. . . . But if, after recourse to reason, the barbarians decline to agree and propose to use force, the Spaniards can defend themselves . . .

but not content with the reservations already made in the text from which the above is drawn, he added this:

> It is, however, to be noted that the natives being timid by nature . . . however much the Spaniards may desire to remove their fears . . . they may very excusably continue afraid at the sight of men strange in garb and armed and much more powerful than themselves. And therefore, if, under the influence of these fears, they unite their efforts to drive out the Spaniards or even to slay them, the Spaniards might, indeed, defend themselves but within the limits of permissible self-protection, and it would not be right for them to enforce against the natives any of the other rights of war (as . . . to slay them or despoil them of their goods or seize their cities), because on our hypothesis the natives are innocent and are justified in feeling afraid. . . . There is no inconsistency . . . in holding the war to be a just war on both sides, seeing that on one side there is right and on the other side there is invincible ignorance. . . . For the rights of war which may be invoked against men who are really guilty and lawless differ from those which may be invoked against the innocent and ignorant, just as the scandal of the Pharisees is to be avoided in a different way from that of the self-distrustful and weak. (*De Indis*, III, 392-4.) EDWARD SARMIENTO

OBITER

LA SALETTE has been overshadowed by Lourdes, and it is often forgotten that the apparition of our Lady to Maximin and Mélanie preceded her appearances to Bernadette by twelve years. September 19th saw the centenary of La Salette, and the August-September number of *La Vie Spirituelle* has six articles devoted to the subject. The weeping mother, her strange message, the secrets she confided to the children, the remote place of her appearance—on a remote mountain-side six thousand feet high, the troubled history of the devotion: here are elements which make perhaps a greater demand on faith than the gentler message of Lourdes. Père Dubarle, O.P. reminds us of the meaning of the prophecies of La Salette:

> 'When human society has wholly lost the sense of the divine word and of the simple laws that the Church has imposed on it in the name of God himself, then indeed it is very close to those