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978-0-521-08912-8 - The State, War and Peace: Spanish Political Thought in the Renaissance 1516-1559

J. A. Fernandez-Santamaria

Excerpt

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Introduction

Although all too often ignored by students of political thought, the Spanish contribution to the history of political ideas in the sixteenth century is not only impressive but 'up-to-date' enough to satisfy the most demanding among critics. All the themes which the age inherited from the medieval tradition and which constitute the composite heart of Renaissance political theory were extensively studied by the publicists of the Spanish school. To argue that their answers are largely based on a foundation of Stoic, Platonic, Aristotelian, Augustinian, or Thomist vintage merely confirms how much they have in common with their own age.

In addition the Spanish school concerned itself with a question prompted by the fact that at this juncture Castile strives to play three political parts at times drastically incompatible with each other: a modern state in its early evolutionary stages forced by the vagaries of dynastic arrangements into a framework of the medieval imperial idea, while simultaneously becoming the nucleus of a rapidly growing and new form of empire. The political theme created by these circumstances revolves around the role to be played by the individual and autonomous commonwealth, not as an isolated entity precariously surviving in a hostile and anarchic world but as a responsible member of an international community of sovereign states. The importance of this idea in the evolution of Spanish political thought from Vitoria to Suárez (1548–1617) is difficult to overestimate and in no small measure owes its origin to a phenomenon which in the early sixteenth century was privy to Spain alone: the political puzzle posed by the acquisition beyond the sea of extensive territories populated by a hitherto unknown group of nations enjoying impressive social and political organizations of their own. And this alone, aside from the other more familiar themes, is as important and legitimate a part of sixteenth-century political speculation as Erasmus' pedagogical efforts aimed at pointing the way leading to a better society; Bodin's underlying anxiety for the return of

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political order to civil war-torn France; or Machiavelli's attempt to draw conclusions conducive to the formulation of lasting political principles from the misfortunes of his beloved Italy.

The special character of Spain's political philosophy in the age of Erasmus, moreover, illustrates the shortcomings of an outlook – by no means entirely banished from the domain of Spanish history – which in its anxiety to uncover the foundations of modernity judges the past according to latter-day standards, and jettisons as obsolete whatever cannot justify its existence in terms of its own future survival. The internationalism of the Spanish school is a case in point. It is often described as a hopelessly antiquarian attempt to preserve an ideology doomed to be submerged by the rising tide of the emerging nation-state with its ruthless individualism deaf to universalist appeals. Alas, in this as in many other instances the man of the Renaissance, in Spain and elsewhere, lacked the window into the future available to those acquainted with the following three centuries, and so time and again, in every corner of Europe, he persisted in assuming that the ecumenical dream was no chimera but an attainable goal.

I believe the considerations outlined above to be most important in a general way, and they will guide and underline the aims and purpose of this book. I will not attempt here to find out in what manner Spanish political thinkers succeeded or failed in foretelling the political theories of the future. Neither will I seek to judge the value of their ideology in the light of doctrines in vogue two centuries later. Rather I will endeavor to understand what Spaniards, fully within the context of a fluid, flexible, and eclectic framework so characteristic of the European Renaissance, had to say about the timeless questions posed by political theory in every epoch and how they sought to solve the concrete problems proposed by the circumstances of their own age. The ideas of many notable figures will thus be surveyed and analysed. In particular I will often stress their pre-occupation with the question of war.

War, its origin, practice, and consequences, is of exceptional importance here because it lies at the foundation of the political thinking of the Spanish school. But even putting the latter aside, it is manifest that the ideological milieu of the early sixteenth century invariably displays an almost morbid fascination with what Erasmus himself, in despair, called a 'disease of man's wit'. Under the circumstances, the inclusion in this book of a chapter devoted to the nature of the doctrine of the just war and its fate during the age under scrutiny is a thoroughly warranted one. One might ask, however, why not integrate the ideas on war of the thinkers studied directly into the context of their political thought. In the last analysis such organizational matters remain of course largely within the

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province of the author's caprice; but in this instance the extraordinary influence of Saint Augustine and Erasmus strongly suggested the wisdom of adopting a format allowing for a survey of Spanish thought on war against the background of Augustinian and Erasmian ideas.

One of the more telling criticisms of Spanish political theory found in treatises surveying European political thought in the sixteenth century is that the ideas of the School of Salamanca, the most distinguished component of the Spanish school, constitute nothing more than a belated manifestation of medieval Scholasticism. To be sure the magnitude of the debt owed by Vitoria and his followers to Saint Thomas cannot be denied. But it does not follow, as is often alleged, that this Scholastic foundation of a segment of Spanish political thought predestines its totality to failure on the grounds of acute obsolescence.

The sixteenth-century renovation of medieval Scholasticism was particularly strong in Spain where following the initiative of Salamanca the institutions of higher learning replaced Peter Lombard's *Sentences* with Saint Thomas' *Summa* as the universal classroom text.¹ The immediate result of this innovation was an endless stream of commentaries to the *Summa*, above all on questions 90–108 of the *Prima secundae* in which Aquinas expounds his doctrine of the law. In these lengthy, detailed, and numerous treatises – *De justitia et jure* and *De legibus* – which chronologically begin to appear in 1533–1534 and continue into the second half of the seventeenth century, the goal is to explain natural law as a system

¹ The change had already taken place at the University of Paris and had been pioneered by Peter Crockaert and Tommaso de Vio. Francisco de Vitoria, the innovator at Salamanca, had studied in Paris under Crockaert. At Alcalá (founded in 1508), however, Cardinal Cisneros created three separate chairs of theology corresponding to the three main contemporary currents: Thomism, Scotism, and Nominalism. For all this see L. Allevi, 'Francesco de Vitoria e il Rinascimento della scolastica nel secolo XVI', *RFN*, xix (1927), pp. 401–41; R. García Villoslada, *La Universidad de Paris durante los estudios de Francisco de Vitoria* (Rome, 1938); L. A. Getino, *El maestro Francisco de Vitoria y el renacimiento teológico del siglo XVI* (Madrid, 1941). V. Beltrán de Heredia has written extensively on the subject: *Las corrientes de espiritualidad entre los dominicos en el siglo XVI* (Salamanca, 1941), 'La Teología en nuestras universidades del Siglo de Oro', *AST*, xiv (1942), and *Cartulario de la Universidad de Salamanca. La Universidad en el Siglo de Oro*, II (Salamanca, 1970). A. Guy, *Esquisse des progrès de la speculation philosophique a Salamanca au cours du XVIe. siècle* (Paris, 1943); V. Carro, 'Las controversias de Indias y las ideas teológico-jurídicas que las preparan y explican', *CT*, lxxvii (1944), pp. 5–32, 'Los fundamentos teológico-jurídicos de las doctrinas de Vitoria', *CT*, lxxvii (1947), pp. 95–122, *Las controversias teológico-jurídicas en el siglo XVI* (Salamanca, 1950), 'The Spanish theological-juridical Renaissance and the ideology of Bartolomé de las Casas', in *Bartolomé de las Casas in History* (De Kalb, Ill., 1971), ed. J. Friede and B. Keen, pp. 236–75.

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of principles which directs, corrects, and serves as norm to human law.² The return, then, was not to the ailing Scholasticism of the fourteenth and fifteenth centuries, but to the vigorous Thomism of the thirteenth. What was adopted, moreover, was not in the manner of a slavish repetition of the master's teachings, but a methodology of proven soundness which might conceivably be applicable to the solution of the novel problems posed by the dawning age. Rigor, precision, simplicity, clarity, and elegance became the goals pursued by generations of jurists and theologians at Salamanca. If nothing else the nature of those goals should convince us that the Neoscholasticism pioneered by Salamanca did not exist in a cultural vacuum alien to or untouched by other intellectual currents.

Hence even if isolationism and traditional formalism had been sought by the early Neoscholastic masters, the very richness and complexity of Spanish intellectual life in the age of Erasmus would have impeded their triumph. To the native traditions, the early sixteenth century added Burgundian traits intensified by the arrival in the Peninsula of the Archduke Philip, his son Charles of Ghent, and their Flemish suits; the weight and authority of Italian humanism, influential in the Spanish kingdoms since the fifteenth century; and, above all, the formidable popularity enjoyed by Erasmus in Spain, particularly at the University of Alcalá, the center and academic bastion of Spanish Erasminism. It is only after the passing of the age of Erasmus and the coming of the age of Trent that dogmatism begins to permeate and hamper the flexibility of the orthodox purview.³ Even then, however, when the waning of Alcalá's influence

² Cf. A. Folgado, 'Los tratados *De legibus y De iustitia et iure* en los autores españoles del siglo XVI y primera mitad del XVII', *CD*, CLXXII, 3(1959), pp. 275-302. These endeavors would result in the creation of a solid effort of jurisprudence based on an unprecedentedly clear formulation of natural law that would importantly influence the seventeenth century. According to Father Carro ('The Spanish theological-juridical Renaissance', pp. 251-2), Vitoria received two fundamental principles from Saint Thomas. First, 'the divine law, which proceeds from grace, does not annul human law, which proceeds from natural reason', and secondly, 'that which is natural, be it called law or right, faculty or power, is so consubstantial with the being that it remains immutable in every class of men and he cannot lose or acquire it through sin, whether he be Christian or pagan, black or white'. As we shall have occasion to point out, Sepúlveda quarrels with neither of those principles.

³ On the Spanish Renaissance see A. F. G. Bell, *Luis de León* (Oxford, 1923), and *El Renacimiento en España* (Zaragoza, 1944); M. Bataillon, *Erasme et l'Espagne* (Paris, 1937), and the Spanish translation by A. Alatorre, *Erasmus y España* (2 vols., Mexico, 1966); M. Batllori's 'Lignes fondamentales de l'humanisme dans la Péninsule Ibérique', and R. Sugranyes de Franch's 'Les études humanistes en Espagne et au Portugal', are both contributions to the *Congrés International des Études Humanistes*, in *RLC*, xxx, 4(1956). J. A. Maravall has studied the subject extensively

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left to its rival Salamanca the unchallenged mastery of the field, we must beware of identifying too readily the theological activities at Trent of Diego Laínez, Alfonso Salmerón, Melchor Cano (1509–1560), and Domingo de Soto (1495–1560), among others, with the political doctrines of Vitoria, Cano, Soto, and Suárez, or assuming that the latter merely mirrored the needs of religious controversy. Even into the seventeenth century the political thought of the School of Salamanca remained strongly conditioned by developments which had been so influential in shaping the teachings of its founder, Vitoria, and so closely bound with the cultural milieu and political circumstances of an earlier age.

All this suggests that we now turn to the study of the merits of an interpretation not infrequently proposed as the clue that explains the supposed dearth of significant political thinking in sixteenth-century Spain: the country's internal quiescence during this period.⁴ This argument clearly implies that contrary to the case of, say, Erasmus, Machiavelli, or Bodin, no Spanish political thinker experienced the conditions of crisis which are so strongly conducive to the formulation of lasting and influential political doctrines. Thus Erasmus, European citizen by choice and the best and greatest embodiment of cosmopolitanism in modern European history, responds to the crisis which he believes Christendom is undergoing with a series of normative tracts. Machiavelli, driven by the collapse of the Italian state system after 1494, postulates the fundamentals of the doctrine of *raison d'État*. Bodin, *politique* and Frenchman, faces his country's crisis by formulating the legal characteristics of the power of the state and developing as a result the idea of sovereignty within the narrow confines of a national state. Now, it is clear that sixteenth-century Spain did not suffer the sort of crisis which in France and Italy contributed to the creation of influential political doctrines. It is incorrect,

in many of his works, especially *El Humanismo de las armas de Don Quijote* (Madrid, 1948), *Carlos V y el pensamiento político del Renacimiento* (Madrid, 1960), and *Antiguos y modernos. La idea del progreso en el desarrollo de una sociedad* (Madrid, 1966). On the influence of Italian humanism on Spanish historiography see the two studies by R. B. Tate: 'Italian humanism and Spanish historiography of the fifteenth century. A study of the Paralipomenon hispanae of Joan de Margarit, Cardinal Bishop of Gerona', *BJRL*, xxxiv, 1(1951), pp. 137–65, and 'Nebrija the historian', *BHS*, xxx, 3(1957), pp. 125–46. See also: A. Fontán, 'Introducción al humanismo español', *Atlántida*, iv, 22(1966), pp. 443–53; J. Cepeda Adán, 'El gran Tendilla, medieval y renacentista', *CuH*, 1(1967), pp. 169–87; and the pertinent sections of the New Cambridge Modern History, 1, *The Renaissance*.

⁴ G. R. Elton maintains that 'generally speaking, significant political thinking occurs only when there are significant political upheavals. Spain, as is not surprising in view of its pretty placid state, could show no writings of note.' In 'Constitutional development and political thought in western Europe', *NCMH*, 11, *The Reformation*, p. 459.

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however, to conclude that Spain experienced no constitutional crisis whatever during the same period, and to explain on this basis her supposed failure to contribute meaningfully to the political thought of the age.

At the beginning of the sixteenth century Castile was the one European realm in which the foundations for a national state had been most soundly laid – ‘an early nationalism, a strong royal authority, a sense of community, and a respected and capable bureaucracy’.⁵ This promising state of affairs was soon disrupted beyond repair by the intrusion of a double constitutional crisis. In less than a generation after the death of Isabel in 1504, Castile – as indeed the remaining realms of the union – found herself with a Holy Roman Emperor sitting on her throne and mistress of an ever-growing assortment of overseas territories which did not fit into any known political system. Torn between two versions of empire, Castile was forced to depart from the straight road leading toward the modern state and steer an ambiguous middle course.⁶

Awareness of these simple but important facts yields rewarding results. It becomes clear that Spanish political thought in the sixteenth century is not a continuous stream moving placidly and uneventfully along, but a somewhat uneven road punctuated by some very visible markers. Even within the relatively narrow boundaries of our period it is not difficult to see how the events mentioned above influenced and shaped those markers. Alonso de Castrillo, a Castilian writer in the early 1520s, reflects a poignant sense of crisis and an almost morbid fear that the personality and liberties of his country will be overwhelmed by the sheer weight of the ecumenical whole to which it has reluctantly become appended. On the other hand, barely a generation later Sepúlveda (also a Castilian), far from harboring any misgivings concerning the preservation of his country’s identity, writes as if Castile herself symbolized Spain and had become the hub of empire as well. This transition from a state of baleful pessimism to one of self-assured optimism, in reality nothing more than a reflection in the realm of political thought of the swiftness with which Castile surrendered to the beckoning charm of the imperial idea, is recognizable as early as 1527 in Alfonso de Valdés. Its culmination takes place still within the chronological boundaries of Spanish Erasmianism with Vitoria. How completely this initial stage in Castile’s constitutional trials had

⁵ A. Domínguez Ortiz, *The Golden Age of Spain 1516–1659*, trans. J. Casey (London, 1971), p. 6.

⁶ J. A. Maravall, ‘El descubrimiento de America en la historia del pensamiento político’, *REP* (1952), p. 236, and ‘The origins of the modern state’, *CHM*, vi, 4(1961), pp. 789–808; also J. Vicens Vives, ‘Estructura estatal en los siglos XVI y XVII’, *Congrès International des Sciences Historiques, Rapports*, iv (Stockholm, 1960), pp. 1–23.

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been surmounted by then is shown by Vitoria's concern, not with specific instances but with general principles of political philosophy as demanded by the second and more enduring aspect of the crisis, the discovery of America, as well as by a phenomenon of European proportions – the demise of the medieval empire and the emergence of the Renaissance state system.⁷

⁷ Notable among works on Spanish political thought in English are B. Hamilton, *Political Thought in Sixteenth-Century Spain* (Oxford, 1963); and G. Lewy's excellent study, *Constitutionalism and Statecraft during the Golden Age of Spain: A Study of the Political Philosophy of Juan de Mariana* (Geneva, 1963). In French, P. Mesnard deals extensively with several Spanish political thinkers in his *L'Essor de la philosophie politique au XVIe. siècle* (Paris, 1952); R. Labrousse, *Essai sur la philosophie politique de l'ancienne Espagne: politique de raison, politique de la foi* (Paris, 1937). In Spanish, as might be expected, the literature is both immense and of uneven quality. Among periodicals, the following often carry articles on various aspects of Spanish political thought in the Golden Century: *Boletín de la Real Academia de la Historia*, *Estudios Americanos*, *Revista de Estudios Políticos*, *La Ciudad de Dios*, *La Ciencia Tomista*, *Anuario de la Asociación Francisco de Vitoria*, *Razón y Fe*, *Anuario de Historia del Derecho Español*. Among authors, probably the most distinguished is J. A. Maravall; particularly significant for our period is his *Carlos V* already mentioned. Also see E. Bullón y Fernández, *El concepto de soberanía en la escuela jurídica española del siglo XVI* (Madrid, 1935); C. Barcia Trelles, *Interpretación del hecho americano por la España universitaria del siglo XVI. La escuela internacionalista del siglo XVI* (Montevideo, 1949); L. Sánchez Agesta, *El concepto del Estado en el pensamiento español del siglo XVI* (Madrid, 1959), and his 'Ordine medievale e pensiero politico moderno', *Jus* (Università Cattolica del Sacro Cuore, Milano), vi, 1(1955), pp. 65–78, a brief analysis of Renaissance Spanish political thought; L. Pereña Vicente, 'La Universidad de Salamanca, forja del pensamiento político español en el siglo XVI', *AS* (Historia de la Universidad), 1, 2(1954); R. Fernández de Velasco, *La doctrina de la razón de Estado en los escritores españoles anteriores al siglo XIX* (Madrid, 1925); L. Rodríguez Aranda, 'El racionalismo en el pensamiento político español', *REP*, 119(1961), p. 117–46; P. de Vega (ed.), *Antología de escritores políticos del Siglo de Oro* (Madrid, 1966), with an introduction by E. Tierno Galván expressing an outlook toward Spanish political thought of the Golden Century different from mine; M. Moreyra Paz Soldán, 'Teorías políticas basadas en realidades concretas en el siglo XVI', *Revista Histórica* (Lima), xxx(1967), pp. 333–54.

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PART I
MEDIEVAL CONSTITUTIONALISM,
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NEOSCHOLASTICISM (1516–1539)

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I

The opposition to empire: Alonso de Castrillo

The Habsburg succession

On November 26, 1504, Isabel of Castile died. For the next twenty years the Hispanic kingdoms in general and Castile in particular would live through severe internal storms which repeatedly threatened to tear asunder the delicate fabric of Spanish unity that the royal couple had wrought during more than thirty years of unceasing toil. At one moment it seemed as if Aragon and Castile would as of old go their own separate ways. At another it appeared that Castile might succeed in imposing upon her young sovereign the same kind of constitutional straitjacket which the Church in Council had once sought to force on the Pope.

The roots of Spain's twenty years of turmoil and the vicissitudes of her monarchy during the same period are sunk deep in the medieval soil; in those extraordinarily convoluted and vague principles which, more emotionally felt than rationally understood, often go under the name of medieval constitutionalism; the haphazard practices of a monarchical system which although strong on the surface could easily be brought to the point of crisis by the waning but still powerful forces to which the encroachments of central authority had brought lasting bitterness; and the uncertainties of the dynastic principle which through a succession of fateful demises brought the Trastámara inheritance into the hands of a foreign dynasty. If to these broad and remote antecedents we add the more immediate issues dominating Castilian and Burgundian politics between 1504 and 1516, the year of Ferdinand's death, the sordidness of the grim drama played out on the Castilian stage during the years preceding the revolt of her cities easily unfolds in all its stark nakedness. Castile's detestation of ambitious foreigners (an overwhelming theme present throughout the war of the *Comunidades*), that initial wariness toward her new sovereign (himself a foreigner) soon to be changed into outright antipathy and mistrust after Charles' refusal at the Cortes of

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Valladolid (1518) to heed his subjects' demand that he curb the notorious freedom of grasping aliens, her final outburst of wrath as a result of the imperial election of 1519, were all inevitable sequels to the tragic farce which for twelve years pitted Austrian Habsburg against Aragonese Trastámara. It is hardly to be wondered under the circumstances that during those years of crisis and turmoil Castilians should have longingly looked back to the days of Isabel and Ferdinand as the golden age of good rule; a fact which also explains how by the time of the *Comunero* outbreak the foundations had been laid for that political myth of great currency in later Spanish life which was to view the reign of the Catholic Kings not only as the climax of good government respectful of the *leyes destos Reinos* – namely, of the republic's constitutional order – but as the embodiment of the national idea as well.

In the spring of 1506 the Archduke Philip and his wife, Isabel's daughter Juana, arrived in Castile to claim the latter's inheritance. Aware of her daughter's failing mental health and her son-in-law's notorious incapacity Isabel had nevertheless failed to rely on her husband Ferdinand. Upon her death the latter had, in obedience to his wife's testament, been deprived of the perquisites and title of King of Castile. He was instead confirmed in the ambiguous role of caretaker ruler during the absence of his daughter (away in Flanders with her husband) defined by her mother's will as *Reina propietaria de Castilla* (Queen proprietress of Castile). The enmity that had characterized Philip's relations with his father-in-law from faraway Flanders naturally increased with the arrival of the young couple in Castile. Faced with the explicit provisions of his wife's testament and the opposition of Castile's most influential magnates, Ferdinand surrendered the game and abandoning Castile returned to his Aragonese dominions. In July 1506, the Cortes of Castile gathered at Valladolid to recognize Juana as queen and Philip as her consort. The former Archduke's triumph, however, was short-lived, for he died toward the end of September of that same year. A regency was immediately established under the presidency of the Archbishop of Toledo, Jiménez de Cisneros. After four years of internal disorder the Cortes recalled Ferdinand as Castile's regent to rule in the name of his daughter Juana now hopelessly insane. Ferdinand's administration was characterized by an endless struggle against the factious higher nobility, a legacy which he would bequeath intact after his death to the new regent Cisneros. The iron-willed Cardinal, loathed as his government was by the Castilian magnates, proved to be more than a match for his noble enemies. He ruled with notorious intransigence during the remaining months of Charles' minority until late in 1517 when, with Charles' arrival, ungracious dismissal and death visited Cisneros simultaneously.