

A Comparison of the Voices of the Spanish Bartolomé de Las Casas and the Portuguese Fernando Oliveira on Just War and Slavery¹

Rev. David Thomas Orique, O.P.²

Abstract

This investigation compares the Spanish cleric, Bartolomé de Las Casas, with the Portuguese cleric, Fernando Oliveira, both of whom raised their voices in protest during the sixteenth century as Portugal and Spain politically extended, economically exploited, and religiously expanded into the Atlantic World. Las Casas condemned the wars of conquest and the consequent unjust enslavement of New World indigenous peoples; Oliveira condemned unjust warfare waged to promote and sustain the slave trade along the West African coast. This analysis demonstrates that both priests denounced warfare that violated the principles of just war and therefore resulted in enslavements without just cause.

Keywords

Just War, slavery, Bartolomé de Las Casas, Fernando Oliveira, sixteenth-century

Resumo

Esta investigação compara o clérigo espanhol, Bartolomé de Las Casas, com o clérigo Português, Fernando Oliveira. Ambos levantaram as suas vozes em protesto durante o século XVI, à medida que tanto Portugal como Espanha se fixavam no Novo Mundo com visibilidade ao nível político, económico e religioso. Las Casas condenou as guerras de conquista e a consequente escravização injusta dos povos indígenas do Novo Mundo; Oliveira condenou a guerra injusta travada para promover e apoiar o comércio de escravos ao longo da Costa Ocidental Africana. Esta análise demonstra que os dois sacerdotes denunciaram a guerra que violava os princípios da guerra justa e, portanto, favoreceu a escravatura sem justa causa.

Palavras-chave

Guerra Justa, escravatura, Bartolomé de Las Casas, Fernando Oliveira, século XVI

¹ This research project was generously funded by a fellowship from the Luso-American Foundation and graciously supported by the professional assistance of the Biblioteca Nacional de Portugal. The author is grateful to both for the opportunity to conduct this research.

² Providence College, USA. *E-mail:* dorique@providence.edu

When considering the opening of the Atlantic World to European exploration in the fifteenth century, as well as its subsequent contact, conquest, and colonization, few names receive as much scholarly attention as Bartolomé de Las Casas (b. Seville, 1484 – d. Madrid, 1566). With the waning sunset of the medieval era, the dawning sunrise of the Renaissance world, and the approaching midday sun of the early modern era, among those especially associated with counter-narratives of this transitional process in America and Iberia, Las Casas has maintained prominence in the critique of the abrupt arrival and disruptive entrance of Columbus and other Europeans into the Atlantic World and especially into the so-called New World. Yet, does Las Casas, the Spanish Dominican, deserve this prominent encomium, or were there Portuguese Iberians – including Lusitanian Dominicans – who also raised voices of protest during the era denominated as the Age of Exploration?³

This study seeks to generate scholarship related to this query and proposes an initial response. To do so, the period in which Las Casas and his Lusitanian contemporaries lived will be contextualized first by a brief description of the Age of Exploration in the Atlantic world. A brief history will then be presented of the Dominican Order and its reforms in Portugal and Spain, which also shaped Las Casas, as well as his Portuguese Dominican contemporaries.⁴ Subsequently, several Portuguese Dominicans will be suggested as possible candidates for study, followed by a focused comparison of the voices of protest of Las Casas and of a former Lusitanian Dominican, Fernando Oliveira; both addressed just war and issues of slavery.

³ There were earlier European explorations of the Atlantic World such as the voyages of the Vikings in the North Atlantic. See, *Voyages and Exploration in the North Atlantic from the Middle Ages to the 17th Century* Papers Presented at the 19th International Congress of Historical Sciences, Oslo, 2000, Anna Agnarsdóttir, ed. Reykjavík, University of Iceland, 2001; Lincoln P. Paine, *Ships of Discovery and Exploration* (New York: Houghton-Mifflin, 2000), xiii, xiv; Donald S. Johnson and Juha Nurminen, *The History of Seafaring: Navigating the World's Oceans* (London: Conway, 2007), 122-27. Although noteworthy and interesting, these accounts are beyond the scope and focus of this particular project.

⁴ Historically, even today, the denotation “Spain” carries various connotations. In this research, Spain signifies the regions of the Iberian Peninsula that would be directly or indirectly controlled by Castile and Aragon. The marriage of Isabel and Ferdinand in 1469 was followed by the 1474 union of their crowns of Castile and Aragon – that is, of the kingdoms of Castile, Toledo, León, Seville, Córdoba, Jaén, Murcia, and Galicia, the principality of Asturias, and the lordship of Vizcaya, with the Levantine kingdoms of Aragón, Catalonia, and Valencia. John Crow, *Spain: the Root and the Flower*, 3rd ed., (Berkeley, CA: U. California Press, 1985), 6-8; 150-52; J.H. Elliot, *Imperial Spain: 1469-1716* (London: Penguin Books, 1963), 125-26; Julian Marias, *Understanding Spain*, trans. Frances M. López-Morilla (Ann Arbor, MI: U. Michigan Press, 1990), 13-15; Amanda Cieslak Kapp, “O Pensamento de Fernando Oliveira Sobre a Escravidão Negra na Europa do Século XVI,” *Anais do XXVI Simpósio Nacional de História (ANPUH)*, São Paulo, July 2011: 1-2; [online]; available at:

http://www.snh2011.anpuh.org/recursos/anais/14/1308180823_ARQUIVO_AsingularidadedopensamentodeFernandoOliveiranoqueconcerneaguerrajustaeotrabalhoescravonaEuropadoseculoXVI.pdf (accessed 1 August 2012).

The Age of Extension, Exploitation, and Expansion

In the initiation of the process of opening the Atlantic World to European extension and exploitation, Portugal occupies first place.⁵ Although, in the early fourteenth century, Portugal initiated medieval maritime contact with England and other parts of Europe for cabotage and diplomacy, beginning in the early fifteenth century, Lusitanian vessels pushed further into the mysterious and mythologized Atlantic, where they initially encountered the uninhabited islands of Madeira and then those of the Azores.⁶ After these initial insular encounters and early colonial establishments, Portuguese mariners made progressive efforts toward and cumulative advances down the western coast of Africa, including contact along the way with various state-level societies, some highly sophisticated.⁷ Eventually, this ocean-plying enterprise culminated in Portuguese ships reaching beyond the Atlantic coast of Africa, rounding the Cape of Good Hope in 1488, arriving in the East – initially on the eastern coast of Africa, then in India and, in time, in the East Indies, Vietnam, Japan, and China, as well as making one subsequent east-bound voyage to Brazil in 1500.⁸

Portugal's political and geographic union solidified earlier than Spain's. The initiation of this union began following the 1139 Battle of Ourique – a conflict with national foundational mythical overtones.⁹ In time, this small Iberian kingdom, with equally complex yet profoundly differing cultural-historical sensibilities from those of Spain, gradually became a large contender in the European push into the Atlantic World. As a

⁵ Julieta Araújo, *Os Dominicanos na Expansão Portuguesa, Séculos XV e XVI* (Lisbon: Edições Colibri, 2009), 25; Luís Filipe Thomaz, *De Ceuta a Timor* (Viseu: Difel, 1998), 1-41; Malyn Newitt, *Portugal in European and World History* (London: Reaktion Books, 2009), 49; A.J.R. Russell-Wood, *The Portuguese Empire, 1415-1808: A World on the Move* (Baltimore, MD: Johns Hopkins U. Press, 1992), 8-10; Luís de Matos, *L'expansion portugaise dans la littérature latine de la renaissance* (Lisbon: Fundação Calouste Gulbenkian, 1991).

⁶ Bailey Diffie, *Foundations of the Portuguese Empire, 1415-1580* (Minneapolis, MN: U. Minnesota Press, 1977), 21-2. A.B. Wallis Chapman, *The Commercial Relations of England and Portugal, 1487-1807*, (Transactions of the Royal Historical Society, Third Series, vol. 1, 1907), 157-79.

⁷ See Nigel Cliff's *Holy War: How Vasco da Gama's Epic Voyages Turned the Tide in a Centuries-Old Clash of Civilizations* (New York: Harper Collins, 2011), 124; Diffie, *Foundations of the Portuguese Empire*, 154ff; John Thornton, *Africa and Africans in the Making of the Atlantic World, 1400-1800*, 2nd ed. (Cambridge University Press, 1998), 24.

⁸ The heady time of the early Portuguese maritime exploration is captured in Luís de Camões' epic poem *Os Lusíadas*, which among other versical exultations extols Portuguese exceptionalism. See Luís de Camões, *Os Lusíadas*, edição Emanuel Paulo Ramos (Porto: Editora, 2011), 71-72; *passim*.

⁹ *Portugal Antigo e Moderno: Dicionário Geográfico, Estatístico, Chorográfico, Heraldico, Archeológico, Historico, Biográfico e Etimológico de Todas as Cidades, Villas e Freguesias de Portugal e Grande Número de Aldeias* por Augusto Soares D'Azevedo Barbosa de Pinho Leal (Lisbon: Cota d'Armas, 1990), 6:293; 341-49. James Maxwell Anderson, *The History of Portugal* (Westport, CT: Greenwood Press, 2000), 27-28; Spencer C. Tucker, *A Global Chronology of Conflict: From the Ancient World to the Modern Middle East* (Santa Barbara, CA: ABC-CLIO, 2010), 254; José Lopes Alves, *A batalha de Ourique 25 de Julho de 1139: certezas e congeminções do pensamento acumulado até primórdios do século XXI* (Lisbon: Europress, 2008).

result of their more rapid peninsular resolution of territorial and religious conflicts with Islam, Portugal was less distracted by Christian-Muslim continental rivalry and, as a result, devoted more time and resources to developing the experience and know-how needed to unfurl its maritime ambitions.¹⁰

As far as Portugal's Iberian rival is concerned, not until the final reconquest of the last theocratically controlled Muslim peninsular stronghold of Granada in early 1492 was Spain able to continue its expansion into the Atlantic horizon.¹¹ After completing this phase of the long-held religio-political goal of a unified *Hispania*, Spain turned its previously-predominant inward energies more deliberately toward the Atlantic World, so as to meet Portuguese competition head on.¹² As a result, in 1496, Spaniards (Castilians) completed what they had begun in 1402: the conquest of the Canary Islands.¹³

Religious expansion was also linked explicitly to territorial extension and commercial exploitation; the propagation of the Christian faith accompanied the furthering

¹⁰ Newitt, *Portugal in European*, 49-57; Cieslak Kapp, "O Pensamento de Fernando Oliveira," 2.

¹¹ Notably, even with the victory of January 2, 1492, religious tensions in Spain continued. Shortly afterwards, Muslims in Granada were given a choice to convert to Christianity or be expelled, despite the Treaty of Granada's pre-surrender assurances of religious accommodation from the Catholic Monarchs. Isabel's and Ferdinand's obsession with theocratic control would seemingly not be "complete" until the expulsion in 1492 of those Jews who refused to convert to Christianity, and that of the remaining Muslims, who would be forced to leave Kingdom of Aragon in 1609 and the Kingdom of Castile in 1614. The need for apparent politico-religious unity – a movement toward conformity – was reinforced by the establishment of the Spanish Inquisition (1480-1834). This institution (a historically lamentable injustice, yet contemporarily instructive) faced limitations in enforcing religious conformity. This topic has been widely examined, most recently by Henry Kamen and Helen Rawlings, who examined the limits of the so-called "absolute" control of the Spanish Inquisition. Henry Kamen, *The Spanish Inquisition: A Historical Revision* (New Haven, CT: Yale U. Press, 1999); Helen Rawlings, *The Spanish Inquisition*, Historical Association Studies, 1st ed. (Malden, MA: Wiley-Blackwell, 2005). Correspondingly, in Portugal, the Inquisition (1536-1821) was established to deal with similarly perceived threats to orthodox Catholicism, such as divination, witchcraft, and bigamy, as well as the threats coming from those who had converted from Judaism. See António Jose Saraiva, *The Marrano Factory. The Portuguese Inquisition and its New Christians, 1536-1765* (Boston: Brill, 2001); Jesué Pinharanda Gomes, "Fr. Pedro Monteiro, O.P. e a História da Inquisição," *Pensamento Português VII* (Braga: Editora Pax, 1993), 112-14; Newitt, *Portugal in European*, 113-31.

Adding to the tragic irony of the persecution and expulsion of the Jews and Muslims was the reality that the Portuguese and Spaniards were descendants of many different peoples and cultures – of pre-Greco-Romanic Iberians who mixed vigorously with Phoenicians, Greeks, and Romans, as well as with north African Muslims, pan-Mediterranean Jews, and Christians. This ethnic and cultural miscegenation continued as both empires began to expand into the Atlantic World – to Africa and Asia, and later into the Americas.

¹² By the time of the first contact with America, the denomination *Hispania* reflected the ideological imagining of both a glorified past of peninsular unification under the Roman Empire and an aspired reunification under the new and expanding "Roman" empire – the *Translatio imperii* – led by Spanish monarchs. See Mariás, *Understanding Spain*, 141.

¹³ Between 1402 and 1496, the Spanish (Castilians) engaged in the conquest of these islands. Although Spain made the first contact in 1402, Europeans had known of the islands since antiquity; yet, after the fall of the Roman Empire, these contacts were less frequent. As European rivalry increased, so too did interest in this archipelago as a possible springboard to trade with Africa and the Orient, which resulted from improved shipbuilding methods and navigational guidance technologies. The conquest of these islands was also an extension of the religio-political process of the *Reconquista*. For information on the Spanish conquest of the Canary Islands, see Aznar Vallejo, Eduardo. *La Integración de las islas Canarias en la Corona de Castilla (1478-1526): Aspectos administrativos, sociales, y económicos*. (Seville: U. Sevilla, 2009).

of crown spatial and mercantile aspirations.¹⁴ For theocratic Iberians, cross and crown were unified into one heavenly and worldly enterprise. For European Christians (religious and political), the sacred and secular union was unquestioned, as well as expected, as they moved into new territories.¹⁵ Hence, the goal was a united Christianizing effort with Catholic monarchs and Christian government. This process began in the early fourth century after Constantine's acceptance of religious toleration of (and political, as well as financial, support for) Christianity in the waning years of the Roman Empire and, in the case of Iberia, blending with martial traditions related to the lengthy process of the peninsular reconquest.¹⁶

Portuguese and Spanish Dominicans

Among the religious Orders connected with the fifteenth- and sixteenth-century expansion of Iberian Christianity into the Atlantic World by these two peninsular rivals were the Dominicans. In 1216, Dominic de Guzmán of Spain (Old Castile) founded the Order of Friars Preachers in France to preach and to teach – initially to preach orthodox Christianity to combat the heterodox beliefs of Albigensianism and eventually to teach at the major centers of learning of Medieval Europe.¹⁷ Central to the initial apostolic thrust that shaped the development of the self-understanding of the Dominicans was the missionary-intellectual component of the Order.¹⁸ From the beginning, Dominic sent academically well-trained friars in pairs to the newly established universities of Medieval Europe; among the first of these continental scholarly settings were Paris (1218), Bologna

¹⁴ Araújo, *Os Dominicanos na Expansão*, 25; Thomaz, *De Centa a Timor*, 47-8; 117; 138; 143-44.

¹⁵ Thiago Rodrigo da Silva, *Padre Fernando Oliveira: Uma proposição utópica em A arte da Guerra do Mar ao belicismo lusitano das Grandes Navegações* (Master's Degree in History – UFSC), 5-6; [online]; available from <http://www.nelool.ufsc.br/palestras/thiagorodrigodasilva.pdf> (accessed August 2, 2012).

¹⁶ Araújo, *Os Dominicanos na Expansão*, 29; Thomaz, *De Centa a Timor*, 117; A.R. Disney, *A History of Portugal and the Portuguese Empire*. 2 vols. (Cambridge University Press, 2009): I, 77-83;

¹⁷ Prior to the Spanish and Portuguese Inquisitions (see footnote 11), there were medieval precursors (Episcopal, 1184-1230s; Papal, 1230s); those dealing with the Albigensians (Cathars) lasted from 1209 to 1255. Albigensianism was considered a threat to traditional Christianity for – among other reasons – its dualistic and gnostic beliefs, which posited a good god of the spiritual realm and an evil god of material order; this belief, and others, challenged the notion of the bodily resurrection (that of the historical Jesus and those of believers in the future) as well as the importance of the sacramental system and the value of human procreation. See Michael Costen, *The Cathars and the Albigensian Crusade* (Manchester Medieval Studies) (Manchester, UK: Manchester U. Press, 1997); *Heresy and Authority in Medieval Europe*, The Middle Ages Series, Edward Peters, ed. (Philadelphia, PA: U. Pennsylvania Press, 1980).

¹⁸ Raúl de Almeida Rolo, “Dominicanos Portugueses nas Missões do Oriente,” *Bracara Augusta* XXXVIII, Fasc. 85-86 (98-99) (Janeiro-Dezembro: Braga, 1984): 3-4.

(1218), Segovia (1218), Coimbra (1227), and Salamanca (1255 and/or 56).¹⁹ Because the Order was founded for a missionary-intellectual apostolate – one of spreading orthodox Christianity, as well as establishing a presence and engaging in academic dialogue at the prominent European institutions of higher education of the time, doing so required a solid academic formation in traditional Catholic teaching.²⁰ This combination of an evangelical mandate with assiduous and ongoing study was part of the mentality adopted by the missionary Dominicans who accompanied the Portuguese and Spanish extension and expansion of crown and church into the Atlantic World.²¹

The Portuguese Dominicans were products of significant changes in Portugal leading up to the first voyages of discovery. These friars, who were formed in the Dominican tradition of missionary orientation and intellectual apostolate, accompanied and saw Portugal's early extension into (and exploitation of) Africa, India, the East Indies, and later Brazil.²² The early fifteenth century was a time of new vitality for the Order in Portugal: these Dominicans separated from the Province of Spain and were approved as a stand-alone province in 1418. Also characteristic of this century throughout Portugal was the growth of reformed priories. The reform consisted of a rededication to the Order's founding principles, which centered on the three evangelical vows of material poverty, consecrated celibacy, and holy obedience, as well as on the active apostolate and study.²³

¹⁹ For Portugal, see Almeida Rolo, "Dominicanos Portugueses," 5-6. In 1217, Dominic sent the first friars to Portugal and the first Dominican community was established in 1218 at Montejunto (70 km [43.5 miles] north of Lisbon) followed by numerous other locations. In 1417, Portugal was formed as a province in 1417 and given papal approval in 1418 by Pope Martin V (whose election in 1417 ended the Western Schism [1378-1417]). See Araújo, *Os Dominicanos na Expansão*, 15-16; see also the Portuguese Dominican friars' website; [online]; available from:

<http://dominicanos.pmeevolution.com/index.asp?flintro=off&lang=&art=24867&menu=5140> (accessed July 17, 2012). See also Luís de Sousa, *História de São Domingos* 2 vols. Porto: Lello Editores, 1977), I:49, 51ff; regarding the establishment of the Dominicans' initial presence in Coimbra, see I:82-85. Worth mentioning is the historical importance of the role of women in the Order; however, the focus of this essay centers on the role of two particular men associated with the Friars Preachers.

²⁰ Raúl de Almeida Rolo, "Dominicanos" in *Dicionário de História Religiosa de Portugal* (Centro de Estudos de História Religiosa da Universidade Católica Portuguesa, dir. Carlos Moréira Azevedo and Ana Maria C. M. Jorge, 2000), C-I: 82-84.

²¹ For Portugal, see Almeida Rolo, "Dominicanos Portugueses," 8.

²² Maria de Fátima Castro, "De Braga a Roma - Relíquias no caminho de D. Frei Bartolomeu dos Mártires", *Via Spiritus* 8 (2001): 31-2 [online]; available from <http://ler.letras.up.pt/uploads/ficheiros/3492.pdf> (accessed 7-25-12). Although, reportedly, Dominican Friar Ascelin of Lombardia went to the East by land in 1247. See Fr. João dos Santos, *Ethiópia Oriental e Vária História de Cousas Notáveis do Oriente*. intro. Manuel Lobato; coord., Maria do Carmo Guerreiro Vieira, Coleção Outras Margens. Comissão Nacional para as Comemorações dos Descobrimentos Portugueses (Lisbon: Escriptorio de Empreza, 1999), 405.

²³ Secular or diocesan clerics are priests ordained for a particular diocese and are directly under the authority of the bishop of that diocese. Religious or regular clerics are members of religious institutes who have been ordained priests. Although they are not directly under the authority of a particular diocesan bishop, religious clerics need the express permission of the diocesan bishop to serve in a particular diocese. Secular clerics promise obedience to their bishop; religious clerics profess the three evangelical vows of material poverty, consecrated celibacy, and holy obedience. David T. Orique, "Journey to the Headwaters: Bartolomé de Las

From these reformed priories, many friars were assigned to accompany overseas voyages. For example, in 1415, the first of these well-educated reform Dominican friars, Afonso de Alfama, and three companions (whose names are unknown) accompanied the initial overseas Portuguese expedition: the armada that was sent overseas to conquer Ceuta in North Africa. By the sixteenth century, the reformed Portuguese communities were so effective that their influence reached Spain and France, the birthplace of the Order. In addition, these Lusitanic reformed communities expanded their influence to wherever the ocean-going Portuguese traveled. Indeed, Dominican life in Portugal (as well as in Spain) reached a new apogee during the sixteenth century with its nearly three thousand registered Portuguese friars, many of whom journeyed overseas as missionaries where they encountered new cultures and peoples with whom they exchanged insights and knowledge.²⁴ In 1503, the first group of these Friars Preachers departed for India, followed by those who went to Asia and Oceania.²⁵ In 1519, the initial group of friars went beyond Ceuta to other parts of Africa.²⁶ In that same year, Friar Duarte Nunes spent a year in Mozambique.²⁷ Concurrently, Portuguese Dominican theologians contributed to Christian thought, as did, for example, frei Francisco Foreiro at the Council of Trent.²⁸ Many other friars from the Portuguese reform priories would follow their pioneering confreres into the Atlantic World and beyond – and, among them, a few of these missionary-intellectual friars with denunciatory voices.

The Spanish Dominicans who followed and witnessed the early extension into and exploitation of the West Indies were also formed in the Dominican tradition of the

Casas in a Comparative Context,” *The Catholic Historical Review* 95, no. 1 (January, 2009): 2.

²⁴ See Fr. Antonio do Rosário, *Dominicanos em Portugal. Repertório do século XVI*. Arquivo Histórico Dominicano (Porto: Instituto Histórico Dominicano, 1991).

²⁵ Sousa, *História de São Domingos*, 2:257-58; “Resumo histórico da presença dos Dominicanos em Portugal,” website of Província Portuguesa da Ordem de São Domingos; [online]; available from <http://dominicanos.pmeevolution.com/index.asp?art=6614> (accessed July 7, 2012).

²⁶ Araújo, *Os Dominicanos na Expansão*, 17-21. There were earlier Portuguese Dominican friars who ventured into Muslim North Africa, notably Frei Sueiro Gomes and S. Frei Gil. See Almeida Rolo, “Dominicanos Portugueses,” 5.

²⁷ Philippe Denis, *Os Dominicanos Portugueses na África do sudeste, 1577-1835* (Porto: Arquivo Histórico Dominicano Português, 2001), 9-10.

²⁸ A.R. Frei, “Ordem de S. Domingos ou Frades Pregadores (OP)” in *Dicionário de História dos Descobrimentos Portugueses*, vol. II. Luís de Albuquerque. (Lisbon: Editorial Caminho/Edição reprint, 1994), 825-6; Fr. Domingos N. Martins, O.P., “Breve retrospectiva da Província Dominicana Portuguesa,” website of the Província Portuguesa da Ordem de São Domingos; [online]; available from <http://dominicanos.pmeevolution.com/index.asp?art=6500> (accessed July 25, 2012); Jesué Pinharanda Gomes, “As Doutinas de Fr. Francisco Foreiro, O.P. no Concílio de Trento,” *Pensamento Português VII* (Braga: Editora Pax, 1993), 65-87; Jesué Pinharanda Gomes, “Dedução Cronológica ao Início do Tomismo em Portugal: Fr. Arnaldo Segarra, O.P.,” *Pensamento Português VII* (Braga: Editora Pax, 1993), 9.

missionary-intellectual apostolate, as evidenced in their actions and writings.²⁹ In September 1510, the first Friars Preachers arrived on the island of Hispaniola in the West Indies. Formed by the School of Salamanca's reformed conventual life and the scholastic revival of Thomism, this first community of Dominicans, composed of three priests (Pedro de Córdoba, Antón de Montesinos, and Bernardo de Santo Domingo), as well as one lay brother (Domingo de Villamayor), quickly made their presence felt. In December 1511, during the Mass of the First Sunday of Advent, Friar Antón Montesinos delivered a community-formulated denunciatory homily directed at the Spaniards' injustices committed against the Taínos on the island. Although Las Casas did not hear this condemnatory homily firsthand, he certainly heard of it later – as he wrote about it and its consequences in his *Historia*. This denunciation was a formative event for Las Casas – an event that would partially catalyze his conversion in 1514 and his lifelong missionary-intellectual activity until his death in 1566.³⁰

These first Spanish Dominican friars in the Indies – and, in time, Las Casas – were noted for their denunciations of the abuses of overseas extension and exploitation, as well as for their advocacy of the peaceful and persuasive expansion of Christianity. In general, this Order, which was known for its missionary-intellectual orientation, produced a number of friars who vigorously announced the Gospel and openly denounced the injustices. Even so, there were also a number of them who actively opposed the peaceful proclamation of the gospel and vociferously criticized Las Casas and his pro-indigenous Dominican confreres. Instead, these contrarian few avoided denouncing the injustices and promoted protecting the status quo – an ironic posture for some of these who had had similar intellectual formation.

Much has been written about the presence, critiques, and contributions of Spanish Dominicans in the Indies, and in Europe on behalf of the New World inhabitants. However, in English, little is written about the first Portuguese Dominicans who

²⁹ See Bartolomé de las Casas, *Historia de las Indias*, ed., André Saint-Lu (Caracas: Biblioteca Ayacucho, 1986), 3:3-6; [hereafter cited as *Historia* (Ayacucho)]; Carlos A. Azpiroz, "A message for Christmas and the New Year 2010 Towards the 8th centenary of the confirmation of the Order: 2010 – How can people preach unless they are sent?" [online]; available from <http://curia.op.org/jubilee/> (accessed May 13, 2010); José Luis Espinel, *San Esteban de Salamanca: Historia y guía* (Siglos XIII–XX) 2nd ed. (Salamanca: Editorial San Esteban, 1995), 59–62; Pedro Fernández Rodríguez, *Los Dominicos en el Contexto de la Primera Evangelización de México, 1526-1550* (Salamanca: Editorial San Esteban, 1994), 26-30; María Teresa Pita Moreda, *Los Predicadores Novohispanos del Siglo XVI. Los Dominicos y América*, vol. 9 (Salamanca: San Esteban, 1992), 70; *Predicadores de la gracia: Los Dominicos en la República Dominicana*, coords., Javier Atienza y Jesús Espeja (Salamanca: San Esteban, 1992), 25–27; Fernando Romero y Mauricio Beuchot, *Los Derechos Humanos y Los Dominicos* (Mexico, DF: Cuadernos "Oasis," 1998), 47–49; Raymond Marcus, "El primer decenio de Las Casas en el Nuevo Mundo," *Ibero-Amerikanisches Archiv* 3, no. 2 (1977): 114.

³⁰ Las Casas, *Historia* (Ayacucho), 2:54, 3:3-6, 13-16. See also Espinel, *San Esteban de Salamanca Historia y Guía* (Siglos XIII–XX), 59.

accompanied their country's extension into non-Christian lands, criticized the processes of exploitation, and contributed to the European intellectual discourse of the time.³¹ Yet, there were Portuguese friars who engaged in prophetic missionary (pastoral) activities, denounced terrible injustices, wrote important Western texts about the era, and contributed to the theological, philosophical, and legal discourse of the period, which in many ways echoed the actions and activities of Las Casas and others. Given the missionary-intellectual characteristic of the Order, Portuguese analogues to Las Casas from this early period of Lusitanic expansion need to be brought to the light of scholarly inquiry for the sake of comparison and contrast.³²

There are a number of possibly interesting Portuguese Dominican-trained candidates to compare and contrast with Las Casas, especially some of his sixteenth-century Iberian contemporaries. For example, there is João dos Santos (b. Évora, c.1570 – d. Goa, 1622), who went to East Africa and India as a missionary and returned to Portugal in 1607, and who wrote a chronicle in 1609 in Évora of his experiences, which narrative constituted an important early Portuguese ethnographic account of these peoples and lands.³³ Similarly, Las Casas traveled widely as a missionary and chronicled his extensive experiences abroad, which provided important ethnographic and historical information about the West Indies. Another cleric, Bartolomeu dos Mártires (b. Verdela, 1514 – d. Viana do Castelo, 1590), Archbishop of Braga and a notable scholar, also produced important theological and pastoral texts, as well as earning respect as a prelate with a practical sense.³⁴ Likewise, Las Casas, Bishop of Chiapa, penned a number of scholarly texts that demonstrated both his intellectual capabilities and pastoral sensibilities in his assessments of theoretical pan-Atlantic questions and of practical administrative diocesan concerns.³⁵ Another friar, Gaspar da Cruz (b. c. 1520 – d. Setúbal, 1570) spoke out against slavery in China and wrote one of the first detailed European accounts about China.³⁶

³¹ As can be seen from this study's citations, important scholarship has been undertaken in Portuguese; yet, the value of such research needs to be brought to the attention of English-reading scholars.

³² Amanda Cieslak Kapp, "A Trajetória de Fernando Oliveira e seu Posicionamento frente ao Poder da Igreja Católica e a Questão da Escravidão Negra", 6; [online]; available from <http://www.ufrb.edu.br/simposioinquisicao/wp-content/uploads/2012/01/Amanda-Kapp.pdf> (accessed August 19, 2012).

³³ Santos, *Ethiópia Oriental e Vária História de Cousas Notáveis do Oriente*.

³⁴ For an overview of his work, see *Frei Bartolomeu dos Mártires, 1514-1590: catálogo biblio-icongráfico*, ed. Raúl de Almeida Rolo (Lisbon: Biblioteca Nacional de Portugal, 1991).

³⁵ One particular example, Las Casas's *Confesionario*, written as resident bishop of his diocese of Chiapa, demonstrates both theoretical legal approaches and practical pastoral applications to confront the issues related to abuses of the indigenous peoples. See David Thomas Orique, "Confesionario: Avisos y reglas para confesores by Bartolomé de Las Casas: A Translation and Introduction to its Historical and Legal Teaching" (M.A. thesis, Graduate Theological Union, 2001).

³⁶ Gaspar da Cruz, *Tratado das Coisas da China: Évora, 1569-1570*, intro, modern text and notes by Rui Manuel Loureiro (Lisbon: Cotovia, 1997).

Equally, Las Casas denounced the slavery of indigenous peoples in America (and, in time, of Africans); he, too, wrote important detailed firsthand accounts and compiled information from the writings of others about where they had traveled and what they had experienced, as well as crafting many legal, philosophical, and theological texts in Spanish (*castellano*) and Latin; he, too, reportedly learned at least the rudiments of two of the languages of Guatemala and Utatlán.³⁷ There was also Domingos de Souza, who according to Mary Jean Dorcy, O.P., was “the Las Casas of Malabar.”³⁸ Finally, Fernando Oliveira (b. Gestosa, 1507 – d. c.1585), who obtained a broad Christian humanist education and produced – among other works – the first Portuguese grammar, wrote about just war, and spoke out against certain injustices of the African slave trade.³⁹ Las Casas also received a broad Christian humanist formation. Although he did not produce a grammar, his corpus of writings (like many of the early sixteenth-century European texts about the Atlantic World) has become classic literature, in which he consistently condemned the injustice of the wars of conquest and the accompanying enslavements. While each of the above-mentioned Lusitanian clerics are possible candidates to compare and contrast with Friar Las Casas, one in particular offers interesting possibilities: the former Dominican, Father Fernando Oliveira. The biographies of these two sixteenth-century Iberian clerics will now be presented, followed by an examination of their similarities and dissimilarities – and, in particular, of those related to unjust war and unjust slavery.

³⁷ Manuel Giménez Fernández, “Fray Bartolomé de Las Casas: A Biographical Sketch,” in *Bartolomé de Las Casas in History: Toward an Understanding of the Man and His Work*. Friede, Juan and Benjamin Keen, eds. (DeKalb: Northern Illinois U., 1971), 68-69. Robert M. Carmack also stated that “it is my impression from statements by Las Casas in the *Apologética historia sumaria* (1958:345) that he admitted ignorance of the languages of Verapaz (probably the Kekchi and Pokoman of the Cobán area), but not of those of the provinces of ‘Guatemala and Utatlán.’” See his *Quichean Civilization: The Ethnohistoric, Ethnographic, and Archaeological Sources* (Berkeley, CA: U. California Press, 1973), 101n10.

³⁸ At first glance, Dorcy’s comparison of the Portuguese Souza with the Spanish Las Casas provided the possibility of a valuable comparative example of advocacy for the autochthonous peoples of the Orient. However, primary and secondary sources in the Biblioteca Nacional de Portugal in Lisbon revealed no support for this sobriquet. Although there was clear evidence that Souza existed and went to the Orient in 1514, none was found relating to his advocacy for the peoples of Malabar against Portuguese colonization and commercialization. Moreover, no Dominican friars at the *Convento de São Domingos* in Lisbon and no materials in the conventual library provided any corroboration either. As such, Dorcy’s claim that Souza defended the native people in India against the gold-hungry Portuguese needs to be held in abeyance until additional information might be located. See Mary Jean **Dorcy**, *St. Dominic* (St. Louis, MO: Herder, 1959; in paperback, **Tan Books and Publishers, 1982**). For evidence of Souza’s leadership of the first Dominicans in India, see Almeida Rolo, “Dominicanos Portugueses,” 18; Donald Frederick Lach, *Asia in the Making of Europe: The Century of Discovery* (Chicago, IL: U. Chicago Press, 1994), 89, 231-32, 268-69, 323.

³⁹ João Gonçalves Gaspar, “Fernão de Oliveira: Humanista insubmisso e precursor,” in *Fernando Oliveira: Um Humanista Genial, V Centenário do seu nascimento*, Carlos Morais, coord. (Aveiro: U. Aveiro, Centro de Línguas e Culturas, 2009), 31-32, 46-47.

Bartolomé de Las Casas (o Casaus)

Las Casas was born in Seville (Spain) in 1484 into a merchant-class family of possible Jewish ancestry. He was the son of Pedro de Las Casas; his mother's name is unknown.⁴⁰ He was trained in the late medieval and Renaissance education of the Seville Cathedral College of San Miguel, where the imprint of Renaissance humanism was evident, given that Spain's most famous humanist, Élio António Nebrija (b. Lebrija, 1444 – d. Alcalá de Henares, 1552), lectured at San Miguel from 1488 to 1491.⁴¹ Las Casas was influenced by humanism because, as José Alcina Franch contended, Nebrija taught Las Casas.⁴² This humanist education was enhanced by additional studies in canon law, reportedly beginning in 1498 at the University of Salamanca and probably continuing at University of Valladolid, where, arguably, by 1518, he had earned both a *bachiller* and a *licenciatura*.⁴³ In 1502, he went to the Indies – the first of ten trips he made to the Atlantic World between 1502 and 1547.⁴⁴ In 1507, he was ordained a secular priest in Rome. In 1514 in Cuba, after a reported conversion experience while preparing for Mass, Father Las Casas completely abandoned his priest-merchant-*encomendero* life, fully embraced his diocesan clerical vocation, and forcefully opposed the conquest and colonization of the Indies, as well as vigorously advocating for peaceful and persuasive evangelization.⁴⁵

⁴⁰ In using the surname “Casaus” in the *Brevísima*, Las Casas seemingly referred to his lineage as French to deflect the reader's attention from his alleged Jewish ancestry. Bartolomé de las Casas, *An Account, Much Abbreviated, of the Destruction of the Indies*, trans. Andrew Hurley, intro. and ed. Franklin W. Knight (Indianapolis, IN: Hackett Publishing, 2003), 2 (hereafter cited as Knight, *An Account*). André Saint-Lu conjectured that Las Casas wished to distinguish himself from the Lascasian merchants of Andulasia – many of whom were *conversos*. “Introducción” in Bartolomé de las Casas, *Brevísima relación de la destrucción de las Indias*, ed. André Saint-Lu (Madrid: Cátedra, Quinta Ediciones, 1991), 28. See also Juan Durán Luzio, *Bartolomé de las Casas ante la conquista de América: las voces del historiador* (Heredia, C.R: EUNA, 1992), 285; Las Casas's mother belonged to a Sevillian family of converso heritage. Manuel Giménez Fernández, “Bartolomé de las Casas en su IV centenario de su muerte,” *Arbor* 62, no. 252 (Diciembre, 1968): 273. Isacio Pérez Fernández, *Fray Bartolomé de Las Casas: brevísima relación de su vida, diseño de su personalidad, síntesis de su doctrina* (Caleruega, Burgos: Editorial OPE, 1984), 19.

⁴¹ Manuel Giménez Fernández, “La juventud en Sevilla de Bartolomé de las Casas,” *Miscelánea de Estudios dedicados al Doctor Ortíz* (Havana: Úcar, García y Compañía, 1956), 2:670–717.

⁴² This lends credence to the suggestion of some scholars that Las Casas began his studies in 1490 at the age of six. José Alcina Franch, “Introducción,” in Bartolomé de las Casas, *Obra indigenista*, intro. y ed., José Alcina Franch (Madrid: Alianza, 1985), 13.

⁴³ David Thomas Orique, “The Unheard Voice of Law in Bartolomé de Las Casas's *Brevísima relación de la destrucción de las Indias*” (Ph.D. dissertation, University of Oregon, 2011), 44; 88-89.

⁴⁴ Alberto E. Ariza S., “Acotaciones sobre Fr. Bartolomé de Las Casas,” *Boletín de Historia y Antigüedades* 44, no. 718 (Julio-Septiembre, 1977): 511.

⁴⁵ Bartolomé de las Casas, *The Only Way*, ed. Helen Rand Parish, trans. Francis Patrick Sullivan (New York: Paulist Press, 1992), 15; Isacio Pérez Fernández, *Cronología documentada de los viajes, estancias y actuaciones de Fray Bartolomé de las Casas*, vol. 2, Estudios Monográficos (Bayamón, P.R.: Centro de Estudios de los Dominicos del Caribe, 1984), 2:183–86.

In 1522, after the failure of his three projects for peaceful evangelization, which culminated in the Cumaná disaster, Las Casas entered the Dominican Order. His earlier juridical training was enhanced with additional studies, especially in philosophy and theology, which followed the *ratio studiorum* of the Friars Preachers.⁴⁶ After becoming a friar, and for the rest of his life, he continued the scholarly activity of writing. In all of these writings, Friar Bartolomé emphasized peaceful and persuasive evangelization, as well as denouncing the wars of conquest and the enslavement of indigenous peoples.

Among other examples of attempts at peaceful and persuasive evangelization was the thwarted endeavor of Las Casas and other Dominicans to go to Peru in 1534; their plan was frustrated by inclement weather and their ship was forced to dock in Nicaragua, where the marooned friars spent nearly a year and witnessed public floggings of indigenous peoples and massive enslavement of others – injustices that only intensified the efforts of Las Casas all the more. Accordingly, in 1537, in Guatemala, Las Casas and some Dominican confreres collaborated successfully to convert *caciques* (indigenous lords) using peaceful and persuasive means in Sacapulas and beyond this area. As a result, the region that had been known to the Spaniards as *Tierra de Guerra* (Land of War), was promptly renamed *Tierra de Vera Paz* (Land of True Peace) by Las Casas.

As priest and friar (and, in time, bishop), as well as royal councilor, Las Casas influenced ecclesiastic pronouncements and royal policy. Important among other cases were the 1537 papal bull *Sublimis Deus* (Sublime God), which was based on Las Casas's *De unico modo*, and the 1542 crown directives known as the New Laws, which were influenced by Las Casas's several presentations, including a five-hour *Larguísima relación* (Very Long Account) about the wars of conquest and enslavement. That same year, Las Casas presented an abbreviated written version of the *Larguísima relación* to Prince Philip, the future king. Ten years later, Las Casas printed a revised edition of this *Brevísima relación de la destrucción de las Indias* (A Very Brief Account of the Destruction of the Indies); in this treatise, he described the evils and harms done to the indigenous peoples through wars and enslavements by many Spanish *encomenderos*, *conquistadores*, and certain royal officials, and repeatedly condemned these atrocities as violations of all “human, natural, and divine law.”⁴⁷

In 1543, Las Casas was appointed bishop of the diocese of Chiapa. There he openly challenged the wars and enslavement, thus generating both opponents and critics, and even

⁴⁶ David Thomas Orique, “The Unheard Voice of Law,” 108-16.

⁴⁷ Knight, *An Account*, 3, 36.

threats to his life. In 1547, when he returned to Spain, he faced charges of “high treason” and “heresy” that were instigated by his enemies, and seemingly by the formidable humanist scholar, Juan Ginés de Sepúlveda, who charged that Las Casas directly contradicted scriptural teachings, as well as undermined papal and royal authority. Yet, for Las Casas, there were no practical consequences arising from these accusations, other than the fact that they prohibited publication of a ninth treatise in 1552 entitled *Erudita et elegans explicatio*, which contained the legal and doctrinal bases for his arguments in defense of the indigenous peoples’ rights.⁴⁸ One might argue that the outspoken and brash Las Casas was protected by the prominence of the Dominicans in the functioning of the Christian orthodoxy-defending branch of the royal government.⁴⁹ Indeed, throughout his life, while he had numerous detractors, such as Sepúlveda, Friar Toribio de Benavente Motolinía OFM (b. 1482 – d. 1568) and Bishop Francisco Marroquín (b. 1499 – d. 1563), because of Las Casas’s experience and knowledge, he also had important supporters such as Charles (I) V (r. Spain, 1516 – 1556; Holy Roman Emperor, 1519 – 1556) and Philip II (r. 1556 – 1598).

In 1550, Las Casas resigned his position as resident bishop and remained in Spain, where he focused on defending the indigenous peoples and publishing his treatises. In 1550-1551, Las Casas used both his *Apologética historia sumaria* (Summary apologetic history), which he began writing in 1527 and finished in 1550, and his *Apología*, which he started to write in 1548 and finished in 1550, to defend against Sepúlveda’s argument that the conquest was legitimate because of the indigenous peoples’ “inferiority” and their “natural state as slaves.” In 1552-1553, Las Casas published a series of eight treatises, which were originally handwritten between 1541 and 1552.⁵⁰ After 1552, Las Casas continued adding to his prodigious body and variety of writings, which in time would number more than three hundred *cartas* (letters), *peticiones* (requests), *tratados* (treatises), *pareceres* (opinions), *projectos*

⁴⁸ Lawrence A. Clayton, *Bartolomé de las Casas and the Conquest of the Americas* (Hoboken, NJ: John Wiley and Sons, 2011), 145.

⁴⁹ Colin Wells, *A Brief History of History: Great Historians and the Epic Quest to Explain the Past* (Guilford, CT: The Globe Pequot Press, 2008), 154.

⁵⁰ These eight treatises, called the “Sevillian cycle” or “small circle” contained the best of Las Casas’s juridical-philosophic-theological thought: *Entre los remedios* (Among the remedies) on the abolition of the *encomienda*; *Sobre los Indios que se han hecho en ellas esclavos* (Concerning Indians who have been made slaves) on the abolition of slavery; *Una disputa o controversia con Sepúlveda* (A debate or controversy with Sepúlveda) on Las Casas’s debate with this humanist and translator of Aristotle; *Avisos y reglas para los confesores* (Advice and Rules for Confessors) on the confessions of conquistadores and encomenderos; *Treinta proposiciones muy jurídicas* (Thirty very juridical propositions) on the Spanish monarch’s titles, the papal mandate to solely Christianize, and the illegality of all armed conquests; *Tratado comprobatorio del imperio soberano* (Treatise confirming imperial sovereignty) on the Spanish monarch’s position and the need for the consent of the governed; *Principia quaedam* (Certain principles) on royal power and its limitations, as well as on public law, human freedom, and the rights of the indigenous peoples.

(proposals), *memoriales* (memorials), and *obras mayores* (major works). From 1552-1563, Las Casas revised and augmented the *Historia [general] de las Indias*. From a segment of this *obra mayor*, he also developed the encyclopedic anthropological work – the *Apologética historia sumaria*. In this second landmark *obra mayor*, he explicated his argument asserting the full humanity of indigenous peoples as rational human beings, and described the diverse indigenous nations, their economies, politics, cultures, religions, and natural environments from early Hispaniola to mid-sixteenth-century Peru.

In all of Las Casas's written works, his formal education, combined with his firsthand experience in Spain and in the Indies, produced a potent expression of the theoretical and the practical. In his advocacy for indigenous rights, he spent his long life as a court-appointed "Protector of all of the Indians," as a missionary friar, and as a bishop of Chiapa assiduously studying and developing speculative ideas, as well as adroitly considering and applying them to real-life situations.⁵¹ In this effort, he was active on both sides of the Atlantic, at court in Spain, and on the ground in the Indies. Important and *ad rem* to this particular discussion, Las Casas denounced the use of unjust wars (conquests) and slavery as the means for territorial extension and commercial exploitation, as well as religious expansion.

Fernando Oliveira

Oliveira was born, probably in 1507, in the village of Couto do Mosteiro in Gestosa, which region was part of the Bishopric of Coimbra.⁵² Beyond this, not much is known for certain about his early life.⁵³ At the age of ten, he entered the Dominican friary of São Domingos in Évora, where he may have been a disciple of the noted Dominican theologian and archeologist, André de Resende (1498–1573). At that time, Resende, who had been a student of Nebrija in Alcalá de Henares, was considered one of Portugal's most

⁵¹ Venancio D. Carro, "The Spanish Theological-Juridical Renaissance and the Ideology of Bartolomé de Las Casas," in *Bartolomé de las Casas in History: Toward an Understanding of the Man and His Work*, 248.

⁵² Mons. João Gonçalves Gaspar, "Fernando Oliveira: Obra Náutica", in *Fernando Oliveira e o Seu Tempo. Humanismo e Arte de Navegar no Renascimento Europeu (1450-1650) / Fernando Oliveira and his Era. Humanism and the Art of Navigation in Renaissance Europe (1450-1650)*, ed. Inácio Guerreiro and Francisco Contento Domingues (Cascais, Patrimonia: 2000), 11-2.

⁵³ Commander Quirio da Fonseca, "Preamble" (XCI-CXI), in *Padre Fernando Oliveira, A Arte da Guerra do Mar* (Lisbon: Edições Culturais da Marinha, 1983), XCII; José Eduardo Franco, "Um Grande Humanista Português Desconhecido: o egresso dominicano Pe. Fernando Oliveira e a sua obra multifacetada", in *Dominicanos em Portugal História, Cultura e Arte - Homenagem a José Augusto Mourão*, coord., Ana Cristina da Costa Gomes and José Eduardo Franco (Lisbon: Alêtheia Editores, 2010), 45.

important humanist scholars.⁵⁴ From Resende, who also taught the Infantes – Henry and Duarte, perhaps Oliveira might have acquired a love for Renaissance humanism and, in particular, for the study of antiquities. In addition to achieving proficiency in rhetoric and fluency in writing Latin, Fernando was formed by and educated in the traditions and teachings of the Order of Preachers. Typical of the contemporaneous reformed communities of the Order in Iberia, he would have received a solid formation in Dominican conventual life, as well as a good education in scholastic philosophy and theology. In 1532, around the age of twenty-five, Frei Fernando left the Order and departed for Spain for what some scholars call “unknown reasons.”⁵⁵

In any case, Father Oliveira, now a secular priest, journeyed to Spain (Castile) where he likely continued linguistic and humanistic studies, as well as became familiar with Nebrija’s Castilian grammar, and seemingly began writing what would become the first Portuguese grammar.⁵⁶ Additionally and importantly, he may have begun his lifelong study of shipyards there.⁵⁷ At a time unknown, he returned to Portugal, where, in 1536, he finished and published his *Gramática da Lingoagem Portuguesa* – without the royal or ecclesiastical license that authorized one’s work, and without the customary prologue that defended it.⁵⁸ Subsequently, Oliveira tutored sons of noble Portuguese heritage, who in time would serve in royal circles.⁵⁹ In addition, he may have trained at this time as a naval pilot.

Although the exact details of Oliveira’s life during the next decade are nebulous, a few details are discernible from the records of the Inquisition. During this time, while en route from Barcelona to the great shipbuilding center at Genoa, a French ship captured the vessel that Fernando was on. Since Portuguese pilots were in great demand, he subsequently served, possibly during the periods of 1535/6 and 1540/4, on a French galley as part of the Mediterranean squadron of Francis I; later, he returned to Lisbon. Then,

⁵⁴ Quirino da Fonseca, “Preamble” (XCI-CXI), in Oliveira, *A Arte da Guerra do Mar*, XCII; Franco, “Um Grande Humanista Português Desconhecido: o egresso dominicano Pe. Fernando Oliveira e a sua obra multifacetada,” 48.

⁵⁵ Francisco Contento Domingues, *Os Navios do Mar Oceano: Teoria e empiria na arquitectura naval portuguesa dos séculos XVI e XVII* (Lisbon: Centro de História da Universidade de Lisboa, 2004), 43-5.

⁵⁶ Francisco Contento Domingues, *Os Navios do Mar Oceano*, 45; Gonçalves Gaspar, “Fernão de Oliveira: Humanista insubmisso e precursor,” 37.

⁵⁷ R.A. Barker pointed out that in the autobiographical section of the manuscript, *O Livro da Fábrica das Naos*, Oliveira stated that “by about 1570, he had traveled the world, working (“practising”), and studying in shipyards in Spain, France, and England, and at ports of the Moors,” (North Africa). See his “Fernando Oliveira: The English Episode, 1545-1547” (Lisbon: Academia de Marinha, 1992); [online]; available from <http://home.clara.net/rabarker/FOEetxt.htm> (accessed August 2, 2012).

⁵⁸ Matos, *L’expansion portugaise dans la littérature*, 29.

⁵⁹ Francisco Contento Domingues, *Os Navios do Mar Oceano*, 45; Livermore, “Padre Oliveira’s Outburst,” 25.

accompanied by the Dominican – Frei Miguel Lobo, Oliveira left the Portuguese capital on one of the French galleys that, as a fleet, were engaged in action against the English at Ambleteuse. During this bellicose action between the naval forces of Francis I and Henry VIII, which ended on 18 May 1546, Oliveira was among those captured when a ship was seized during the combat. All were taken to England as prisoners of war; however, Oliveira did not narrate the concrete circumstances of his capture. After this, what exactly happened to Oliveira remains speculative. Although a Portuguese pilot was reported to have engaged in negotiations to free prisoners and returned from the English court with a letter for the Portuguese king, John III (r. 1521–1557), it was uncertain whether this was Oliveira or someone else. Nevertheless, upon returning to Lisbon in 1547, Oliveira carried a letter of unknown content to John III from Henry VIII's successor and son, Edward VI (r. 1547–1553).⁶⁰

Upon Oliveira's return to Lisbon in autumn of that same year, the Inquisition arrested him for the first time. Evidence of his alleged "heresy" and perhaps "treason" was found in remarks he reportedly made that were deemed critical of the Catholic Church and favorable to England's Protestant monarchs. For example, during an interrogation, Oliveira refused to denounce Henry VIII's religious views because, as he insisted, he "had been Henry's servant, and eaten his bread."⁶¹ Oliveira was also denounced for his "appreciation of Protestant ideas," which he likely garnered during his stay in England. Found guilty and having abjured his views, Oliveira was imprisoned for two years, after which he was sent to the Hieronymite monastery at Belém in the municipality of Lisbon for an undetermined time. At the behest of the Inquisitor General, the Cardinal-Prince Dom Henry (Lisbon b. 1512 – d. Almeirim, 1580), Oliveira's sentence was commuted on 3 September 1550.⁶² Seemingly, during this period of incarceration, Father Oliveira had time to think through his ideas on the conduct of war, including the propriety of priests accompanying warships, and to begin penning the *A Arte da Guerra do Mar* (The Art of War at Sea).⁶³

⁶⁰ Francisco Contente Domingues, *Os Navios do Mar Oceano*, 48-52.

⁶¹ Francisco Contente Domingues, *Os Navios do Mar Oceano*, 52; Cieslak Kapp, "A Trajetória de Fernando Oliveira e seu Posicionamento frente," 8.

⁶² Robin Blackburn, *The Making of New World Slavery: From the Baroque to the Modern, 1492-1800* (New York: W.W. Norton and Company, 1997), 120; Gonçalves Gaspar, "Fernão de Oliveira: Humanista insubmisso e precursor," 39-40; Contente Domingues, *Os Navios do Mar Oceano*, 52-3.

⁶³ In his *A Arte da Guerra do Mar*, Oliveira upheld the propriety of priests going to war, and stated that the role of a priest at war "... was to minister the sacraments and works of mercy to the wounded, hearing their confessions and giving them communion, healing and consoling them, burying the dead and praying to God for their souls, which are necessary and pious things in war." Oliveira, *A Arte da Guerra do Mar*, 7; Gonçalves Gaspar, "Fernando Oliveira: Obra Náutica", in *Fernando Oliveira e o Seu Tempo*, 13-6.

Subsequently, after receiving permission to leave Portugal in 1552, he served as a naval chaplain for Portuguese ships engaged in activities against suspected pirates off the North African coast. This tour of duty offered another opportunity to continue drafting his manual about the art of war. Indeed, in this work, he recounted an episode in which a much larger Turkish naval force attacked them, captured the ship that Oliveira was on, took him and the surviving crew captive, and held them to ransom.⁶⁴ He also devoted part of his manual to denouncing the transatlantic slave trade that was generated and promoted by unjust wars.⁶⁵ To his writings, he brought his knowledge of classical works and nautical theory, as well as a humanistic perspective and his own practical experience.

In 1554, Oliveira was appointed corrector at the *Imprensa da Universidad de Coimbra*, as well as instructor of classes on Quintilian thought at the university. To these positions, to which he was assigned as a *licenciado*, he would have brought his expertise in grammar and rhetoric. However, although he seems to have taught for a longer period, the data show that he held the position of corrector only from 18 December 1554 to 26 October 1555, when another scholar, Cristóvão Nunes, replaced him.⁶⁶ For whatever reason(s), his incarceration by the Inquisition interrupted his tenure of service at Coimbra. This second imprisonment, which seemingly lasted for at least two years, might have been precipitated by his publication of the *A Arte da Guerra do Mar* on July 4, 1555, or by the radical points of view expressed in his book – although this is unclear.⁶⁷ In any case, forward-thinking academics, such as Oliveira, who in Portugal were known as *erasmistas* (and in Spain as *luteranos* and *iluminados*) and thus perceived as critics of the reforms of the Council of Trent (1545-1547, 1551-1552, 1562-1563), were accused of Erasmusism and Lutheranism, and replaced at Coimbra by Jesuits with neo-Thomistic scholastic leanings.⁶⁸

⁶⁴ See Chapter 12 of the second part of *A Arte da Guerra do Mar*. Contente Domingues, *Os Navios do Mar Oceano*, 53-7; Gonçalves Gaspar, “Fernão de Oliveira: Humanista insubmisso e precursor,” 43.

⁶⁵ Francisco Contente Domingues, *Os Navios do Mar Oceano*, 60-3.

⁶⁶ Francisco Contente Domingues, *Os Navios do Mar Oceano*, 56-7; Fernão de Oliveira, *Arte da Guerra do Mar, Estratégia e Guerra Naval no Tempo dos Descobrimientos*. Estudio introductório de Antonio Silva Ribeira (Coimbra: Gráfica de Coimbra, 2008), 3-10, 23-5; Maria Manuel Batista, “Fernando Oliveira: a guerra como o menor dos males e a escravatura como o maior dos pecados” in *Fernando Oliveira: Um Humanista Genial*, 387-9.

⁶⁷ Francisco Contente Domingues, *Os Navios do Mar Oceano*, 57-60.

⁶⁸ Silva, *Padre Fernando Oliveira: Uma proposição*, 2-3; Filipe Castro wrote that it is somehow puzzling that “many treatises and texts on shipbuilding ... appear at the height of the political persecutions that followed the end of the Council of Trent in 1563, which fell mostly upon intellectuals – including Father Fernando Oliveira – and particularly upon those accused of valuing reason and experience over the authority of classical writers.” See his “Book Review – *Os Navios do Mar Oceano*” 35, no. 1 *International Journal of Nautical Archaeology* (2006): 168; Gonçalves Gaspar, “Fernão de Oliveira: Humanista insubmisso e precursor,” 46-7.

Upon his release from prison, Oliveira left Portugal (probably for France) and devoted approximately the next three decades of his life to writing.⁶⁹ His works, some unfinished, included: the *Ars Nautica* (c. 1570), an encyclopedic treatise written in Latin that applied practical science to shipbuilding and navigation; the unfinished *Livro de antiguidade, nobresa, liberdade e immuidade do reyno de Portugal*, a book about Portuguese rights that he began writing sometime after the 1581 Castilian succession of Philip II to the Portuguese throne (which he opposed); the *História de Portugal*, a chronicle based on royal and papal documents to demonstrate the ancient roots and unbroken autonomy of the kingdom; and the *Livro da Fábrica das Naus* (c. 1580), a scholarly treatise presenting Renaissance scientific reasons and technological ideas related to the art of shipbuilding.⁷⁰ While the two key manuscripts on shipbuilding reflected all branches of the nautical and maritime sciences, his *A Arte da Guerra do Mar* was distinguished as a treatise that not only denounced unjust warfare and unjust slave trading, but also addressed the three-pronged goal of Portugal's enterprises: territorial extension, commercial exploitation, and religious expansion, as evidenced in his statement that "giving themselves to war have gained our Portuguese riches and prosperity, and lordship of lands and realms ... and, above all, given a chance for the faith of God to be multiplied."⁷¹ In his personal response to his country's threefold goals, Oliveira led an adventurous life and used his knowledge in many disciplines to assess their direction and to support the ideal through his contributions as a cleric, humanist, scholar, grammarian, historian, pilot, diplomat, nautical engineer, and theoretician of maritime war.⁷²

Las Casas and Oliveira: Similarities and Dissimilarities

Several similarities and dissimilarities characterize the lives of these two men. Both were Dominicans friars as well as secular priests. While Las Casas left the secular diocesan priesthood and became a religious priest by joining the Dominicans, Oliveira first entered

⁶⁹ Filipe Vieira de Castro, *The Pepper Wreck: A Portuguese Indiaman at the Mouth of the Tagus River* (College Station, TX: Texas A&M University Press, 2005), 44-45.

⁷⁰ Francisco Contento Domingues, *Os Navios do Mar Oceano*, 63ff.; F. Oliveira, *Ars Nautica* (c. 1580) Leiden University; F. Oliveira, *Livro da Fábrica das Naus*. (Lisbon: Academia de Marinha, 1991). The *Livro da Fábrica* also revealed the highly-guarded trade secret for building and using the *graminhos* technique in the shipyard. This technique consisted of the distribution of increments in full-scale measures for the progressive adjustment of frames at numerous key points in order to raise and narrow the bottom, waist, and beam of the ship. See also [online]; available from <http://nautarch.tamu.edu/shiplab/01George/Oliveira.htm> (accessed August 8, 2012).

⁷¹ Rodrigo da Silva, *Padre Fernando Oliveira: Uma proposição*, 6; Gonçalves Gaspar, "Fernão de Oliveira: Humanista insubmisso e precursor," 31.

⁷² Gonçalves Gaspar, "Fernão de Oliveira: Humanista insubmisso e precursor," 31.

the Dominican religious life and, upon leaving the Order, became a secular cleric. For both clerics, this change in their life was swift. For Las Casas, at the age of 38, the change was dramatic and seemingly prompted by his disillusion with his failed projects and his need for a monastic life. For Oliveira, at the age of 25, the change was sudden and the reasons were unknown.

Both clerics were educated during the liminal period between the late Renaissance and the Early Modern eras, as well as during the flowering of Christian humanism; both expressed this formation in their rhetorical writings. The Spanish Dominican wrote with great persuasion and unrelenting conviction, although not as coherently as Oliveira. The Portuguese cleric displayed “a rhetorician’s love of words and a marked taste for erudition.”⁷³ Las Casas’s erudition was described by his archenemy – the noted humanist, Sepulveda – as “most subtle, most vigilant, and most fluent, compared with whom, Homer’s Ulysses was inert and stammering.”⁷⁴

The training of both clerics was also shaped by their early education and, for example, Dominican studies in classical Latin, ancient sources, Christian scripture, patristic ideas, and medieval thought. Both benefited from influential people during their years as students: Las Casas from Nebrija; Oliveira seemingly from Resende, Nebrija’s former student, or other scholars.⁷⁵ While Las Casas, the canon lawyer, concentrated on and excelled in juridical, philosophical, and theological discourses, as well as their practical applications, Oliveira was a polymath whose expertise ranged from grammar to Augustine and Erasmus, from history to nautical science and shipbuilding.⁷⁶ Both clerics were referred to as *licenciados*. Both embraced and embodied the Dominican tradition of study, and were noted for their pursuit of autodidactic learning.

Both clerics’ broad formation, as well as their extensive travels and varied experiences in different places and with diverse peoples and cultures, facilitated their seeing and responding in new ways to the rapidly globalizing sixteenth-century world – a world for Europeans that contained new lands to appropriate politically, fresh situations to

⁷³ Livermore, “Padre Oliveira’s Outburst,” 41. As a result of his erudition, along with the two most notable Portuguese poets and playwrights, Luís de Camões (1524/25 – 1580) and Gil Vicente (1465 – 1536), Oliveira was later considered to have been a leading intellectual figure of the Renaissance in Portugal. António Rosa Mendes, “A vida cultural” in *História de Portugal*, org., José Mattoso (Lisbon: Editorial Estampa, 1993), 3:398-399. Oliveira’s acquired humanist intellectual prowess is well demonstrated in his writings. *Dominicanos em Portugal História, Cultura e Arte - Homenagem a José Augusto Mourão*, Ana Cristina da Costa Gomes and José Eduardo Franco, coordenação (Lisbon: Alêtheia Editores, 2010), 46-7.

⁷⁴ Cited in Francis Augustus MacNutt, *Bartholomew De Las Casas: His Life, His Apostolate and His Writings* (Cleveland, OH: Arthur H. Clark Company, 1909), 6. MacNutt quoted from *Sepulvedae Opera*, tom. 3, lib. 5, p. 241.

⁷⁵ Francisco Contento Domingues, *Os Navios do Mar Oceano*, 44.

⁷⁶ Gonçalves Gaspar, “Fernão de Oliveira: Humanista insubmisso e precursor,” 31.

exploit commercially, and novel peoples to convert religiously. The challenge of the time was that European thinkers, including Oliveira and Las Casas, were confronted with new realities, which created the need to rethink the deductive use of traditional sources and to retool the practical application of their reassessments.

As such, the approaches that the two clerics employed and the questions that they raised, for example, about unjust warfare and unjust slavery, as well as the beliefs they held – while focused on issues generated by the expanding horizon of the opening of the Atlantic World – were at times attacked as unorthodox and ran them afoul of the Office of the Inquisition. Yet, both clerics enjoyed some degree of support from their respective monarchs. Of the three Spanish kings with whom Las Casas had contact, he held the particular confidence of Charles V; Oliveira also allegedly sustained amicable relationships with the Crown and even referred to himself as the “chaplain to the kings of Portugal of the time.”⁷⁷ However, the level and the circumstances of the relationship of these two clerics with inquisitional and regal powers is difficult to assess.

A significant similarity existing between Oliveira and Las Casas was their insistence that the wars waged (whether on land or at sea) must be in accord with the principles of “just war,” and that any slavery generated by unjust war must be halted. Oliveira addressed these issues in the first five chapters of his *A Arte da Guerra do Mar*.⁷⁸ In these chapters, after presenting his theological justification for a priest to write about war, he addressed the principles that must be adhered to in just warfare, and assessed the legitimacy of the enslavements that took place as a result of unjust wars. Las Casas also assessed the wars of conquest through recourse to the principles of just war. In his writings, and particularly in the *Brevísima relación* and in *Se han hecho esclavos*, he also condemned these wars and the consequent enslavement as violations of divine, natural, and human law.

However, dissimilarities exist in their foci because they addressed different scenarios. Oliveira addressed Portugal’s wars at sea, as well as those of certain African states; Las Casas addressed Spain’s wars of conquest, which took place on lands belonging to indigenous peoples of the so-called New World. Oliveira focused on Portugal’s initiation and promotion of the transatlantic slave trade out of West Africa; Las Casas focused on

⁷⁷ Livermore, “Padre Oliveira's Outburst,” 34, 40.

⁷⁸ Oliveira’s *A Arte da Guerra do Mar* contains two parts, each composed of fifteen chapters. Chapters 1-5 of Part I address the issue of war: 1) What is necessary to make war? 2) What is necessary for war on sea? 3) On whom are we able to make war? 4) What is just war? 5) What is the goal or intention of war? Chapters 6-11 deal with logistics and related themes, while Chapters 12-15 deal with subjects related to the effective and respective functions of the different levels of maritime hierarchies. See Oliveira, *Arte da Guerra do Mar, Estratégia e Guerra Naval no Tempo dos Descobrimientos*, 11-28.

esclavos de guerra and *esclavos de rescate* who were made so by both Spanish and indigenous people.

Oliveira pointed out that African monarchs waged unjust wars with other African states to obtain slaves to sell to the Europeans, or they obtained fellow-Africans for the slave trade through robbery. Although a market existed among Africans, he accused the Portuguese of creating the demand for slaves and thus extending the slave trade across the Atlantic.⁷⁹ He further charged the Portuguese with conducting slave raids and unjust warfare in order to obtain slaves on the West African coast.⁸⁰ He reasoned that “If there were no buyers, there would be no sellers,” and denounced his countrymen as ... “the inventors of such a vile trade, never before used or heard of among brothers” as the “buying and selling of peaceable freemen as one buys and sells animals,” with the spirit of a “slaughterhouse butcher.”⁸¹

Las Casas pointed out that slavery among indigenous peoples, which had already existed long before the Spaniards arrived in the Antilles, was also unjust, even in the case of those captured in just warfare.⁸² He charged that in the wars of conquest that took place on the indigenous peoples’ lands, the Spaniards unjustly made slaves of the indigenous peoples who were captured in battles and/or suppressed in rebellions (*esclavos de guerra*), or were held to ransom for gold, or “traded off” as tribute payment, or exchanged for goods (*esclavos de rescate*), or who were simply “taken.”⁸³ In his *Brevísima relación*, he condemned the enslavement of indigenous peoples as “the hardest, harshest, most heinous bondage to which men or beast might be bound.”⁸⁴ In both scenarios, whether the African-Portuguese

⁷⁹ Eve M. Duffy, Alida C. Metcalf, *The Return of Hans Staden: A Go-Between in the Atlantic World* (Baltimore, MD: The Johns Hopkins Press, 2011), 149.

⁸⁰ How Portugal built its empire on the backs of African slaves is documented in Malyn Newitt’s, *A History of Portuguese Overseas Expansion 1400-1688* (New York: Routledge, 2005). Antonio de Figueiredo shared Newitt’s succinct description of this empire-building: “The Portuguese transformed the age-old trade in slaves across the Sahara to the Mediterranean into a worldwide commerce. Africans were forcibly incorporated into the Portuguese global system as sailors, soldiers, household servants, artisans, traders, and the mothers of the children of Portuguese men. Two hundred of them (certainly a high percentage at the time) fought with Albuquerque at Malacca in 1511. They accompanied the Portuguese throughout Asia, fought in the wars in Ceylon, drove the Dutch attackers of Macao into the sea in 1623, and acted as bodyguards to Portuguese *fidalgos* (noblemen) in the colonial cities from Goa (India) to Nagasaki.” Figueiredo, “What we owe to Africa (Lest We Forget).” *New African*, 444 (October 2005) [online]; available from <http://www.africasia.com/services/opinions/opinions.php? ID=689&title=figueiredo> (accessed 8 August 2012).

⁸¹ Figueiredo, “Weapons of Mass Hypocrisy (Lest We Forget),” 26; Hugh Thomas, *The Slave Trade: The Story of the Atlantic Slave Trade 1440–1870* (New York: Touchstone, 1997), 126, 814.

⁸² William L. Sherman, *Forced Native Labor in Sixteenth-Century Central America* (Lincoln, NB: U Nebraska Press, 1979), 15-19.

⁸³ See Sherman’s chapters on pre-Hispanic slavery, slavery after the conquest, slaves of *rescate*, and the slave trade in his *Forced Native Labor*.

⁸⁴ Knight, *An Account*, 7.

or the indigenous-Spanish, both clerics charged that unjust warfare promoted and expanded slavery, and that the enslaved were “innocent” people.

In their assessments of warfare, both clerics drew upon the heritage and principles of just war theory. In Christian teachings about, for example, the “just war” against non-Christians, there was a long-held tradition of enslaving enemies (and non-believers) who were captured in warfare. Indeed, according to this Iberian heritage, which was also evident during the conquest years in the Indies, certain procedures were required and followed, such as branding and registering the captives. Moreover, Portugal’s capture of and trading in slaves along the West African coast was allegedly justified by a “just war” rationale, coupled with the belief of some Portuguese that the West Africans were inferior and slaves by nature.⁸⁵ Some Spaniards also justified “enslaving” indigenous peoples because they were considered “not fully” human, and because the native inhabitants were infidels.⁸⁶

Oliveira did not believe that the origins of the slave trade could be reconciled with the preconditions set out in the theory of just war as expounded by Christian theologians.⁸⁷ Las Casas believed the same with respect to the conquest origins of enslavement in the Indies. For both Dominican-trained priests, the enslavements pursued by their countries were irrational and, as such, constituted instances of tyrannical rule.⁸⁸ Both clerics subscribed to the Thomistic criteria for just war, which were 1) declaration by competent authority, 2) just cause, and 3) right intention.⁸⁹

As far as competent authority is concerned, papal authorization for Portugal’s involvement in wars and slavery needs to be contextualized in two official teachings of the

⁸⁵ After the arrival of the Portuguese in the West African states soon after 1400, Portuguese merchants did not hesitate to be paid with slaves for their goods. Many of these captives were sold to Spaniards, who believed that the captives had been taken in just war, as the merchants said. However, until the Spanish colonization of the Indies, Castile’s demand for slaves was limited. Bonnie G. Smith, Marc Van De Mieroop, Richard Von Glahn, *Crossroads and Cultures: A History of the World’s Peoples* (Bedford, MA: St. Martins, 2012), 596; G. Reginald Daniel, *Race and Multiraciality in Brazil and the United States: Converging Paths?* (University Park, PA: Pennsylvania State U. Press, 2007), 17-18.

⁸⁶ Note that there were legal distinctions between the *encomienda* and slavery: the *encomienda* gave the Spaniards rights to indigenous labor and tribute; slavery gave them ownership of the person of the slave. Rolena Adorno, “Discourses on Colonialism: Bernal Díaz, Las Casas, and the Twentieth-Century Reader,” *Modern Language Notes* 103 (1988): 252.

⁸⁷ Oliveira, *Arte da Guerra do Mar, Estratégia e Guerra Naval no Tempo dos Descobrimentos*, 23-25; Duffy, and Metcalf, *The Return of Hans Staden: A Go-Between in the Atlantic World*, 149.

⁸⁸ Stuart B. Schwartz, *All Can Be Saved: Religious Tolerance and Salvation in the Iberian Atlantic World* (New Haven, CT: Yale U. Press, 2008), 162; Lúcia Helena Costigan, “Bartolomé de Las Casas and His Counterparts in the Luso-Brazilian World,” in *Approaches to Teaching the Writings of Bartolomé de Las Casas*, eds., Santa Arias and Eyda Merediz (New York: The Modern Language Association of America, 2008), 236–7.

⁸⁹ Aquinas utilized the traditional rules of just war that originated in the work of Augustine, and supplemented them with canonistic interpretations. *ST 2a-2ae*, q. 40, art.1. See also Bartolomé de Las Casas, *Se han hecho esclavos*, in Jesús-Angel Barreda, “Bibliografía Lascasiana de la Apologética Historia,” in Bartolomé de las Casas, *Obras Completas* (Madrid: Alianza, 1998), 10:f. 3 [hereafter cited as O.C.].

Church that were promulgated in medieval times.⁹⁰ One, articulated initially by Innocent III (1160/1161 – 1216), sanctioned the defense of Christendom by wars against the Saracens (and any others) who were considered a threat to the Christian West. The other, gleaned from Aquinas, declared that slavery was sinful; however, as Stark contended, “the problem wasn’t that the leadership was silent ... it was that almost nobody listened”; i.e. some pontiffs did not comply with the moral obligation not to enslave.⁹¹ Nicholas V (r. 1447 – 1455) was one of these popes. In his papal bull, *Dum Diversas* (June 18, 1452), issued in response to a request from Alfonso V (r. 1438 – 1481), the pontiff gave the Portuguese title to all lands and possessions seized, as well as permission for them to “invade, conquer, fight, [and] subjugate the Saracens and pagans and other infidels and other enemies of Christ ... and to lead their persons in perpetual servitude.”⁹² In a subsequent bull, *Romano Pontifex* (January 8, 1455), Nicholas V gave the Portuguese the “right of conquest ... from the Capes of Bojador and Não as far as the whole of Guinea, and beyond these to that southern shore,” i.e. it gave them control over the West African peoples whom they could “invade, search out, capture, vanquish, and subdue, all Saracens and pagans whatsoever, and other enemies of Christ wheresoever placed ... and to reduce their persons to perpetual slavery.”⁹³ As such, these two papal bulls legitimized Portugal’s recourse to war to acquire slaves through force or trade along the West African coast.⁹⁴ Furthermore, explicit authorization from the son of Portugal’s King John I (b. 1358, r. 1385- d.1433), Prince Henry the Navigator, was also given to sailors in 1445 to “win over” the Africans so that the Portuguese could “buy” human beings, instead of kidnapping Africans in slave raids as they had been doing. This reflected a major shift in the method of acquiring slaves;

⁹⁰ See John Francis Maxwell, *Slavery and the Catholic Church: The History of Catholic Teaching concerning the Moral Legitimacy of the Institution of Slavery* (Chichester, UK: Barry Rose Publishers, 1975).

⁹¹ About the sinfulness of slavery, Aquinas taught that “it is a grievous matter to anyone to yield to another what ought to be one’s own, therefore such dominion implies of necessity a pain inflicted on the subject,” *ST 1a*, q. 96, a. 4. About the Church’s teachings on slavery and compliance with these official teachings, see Rodney Stark, “The Truth about the Catholic Church and Slavery,” *Christianity Today* (July 2003); [online]; available from <http://www.christianitytoday.com/ct/2003/julyweb-only/7-14-53.0.html> (accessed August 21, 2012). Further evidence that the Church was not silent about slavery is found in Paul III’s bull, *Sublimus Dei*, in 1537, which again condemned the enslavement of human beings.

⁹² Thorton, *Africa and Africans in the Making*, 55-62.

⁹³ These concessions were confirmed by bulls issued by Callixtus III (r. 1445-1458) in his *Inter Caetera quae* in 1456, Sixtus IV in his *Aeterni regis* in 1481, and Leo X in his *Praeclarae denotionis* in 1514.

⁹⁴ According to Charles Boxer, such bulls, especially those produced at the request of the Portuguese crown between 1452-1456, authorized overseas Portuguese expansion and gave the crown of the freedom to subjugate and enslave pagan peoples, those that might be hostile to the name of Christ. However, in 1537, the pontifical bull *Sublimus Dei* (principally dealing with Indians) clearly condemned the privation of liberty and the enslavement of all human beings. See Boxer’s *The Church Militant and Iberian Expansion, 1440-1770* (The Johns Hopkins Symposia in Comparative History) (Baltimore, MD: The Johns Hopkins U. Press, 2001), 30-2, 46.

instead of acquisition via bellicose methods, diplomatic and commercial methods were employed.⁹⁵

Although the papal bulls of Nicholas V threatened to excommunicate anyone who “dares to oppose [the concession],” Oliveira did so dare. His questioning of taking slaves in unjust wars was tantamount to questioning – indeed, to opposing – the authority of the papacy to order warfare against the Jews, Moors, and gentiles, by contending that “those who had never been Christians were outside the authority of the pope and thus war against them was unjustified” – a very unorthodox stance that did not go unnoticed by the Inquisition.⁹⁶ Applying Thomistic teaching, Oliveira boldly charged that “to seize their lands ... to prevent their cultivation ... [and] to capture their peoples ... and to enslave them ... is manifest tyranny.” By saying this, Oliveira was contending that these actions, as well as the papal decrees authorizing them, were not in accord with reason, and therefore did not constitute law; rather, they were a perversion of law.⁹⁷ One wonders if the scholastic perspective of Las Casas (and others) on tyrannical rule and its perversion of law may have influenced Oliveira’s thought, since the *A Arte da Guerra no Mar* was published in 1555 and the *tratados* of Las Casas addressing these issues were printed in 1552. In any case, for Oliveira, one “cannot use the excuse that slavery is their custom” as the rationale for authorizing war.⁹⁸

Papal authorization for Spain’s involvement in the “discovered and yet-to-be discovered” lands and peoples was stipulated by the Spanish pope, Alexander VI (r. 1492 - 1503) in the bulls of Donation: *Inter Caetera I* (May 3, 1493), *Eximiae Devotionis* (May 3, 1493), *Inter Caetera II* (May 4, 1493), and *Dudum Siquidem* (September 25, 1493). In contrast to the bulls issued on Portugal’s behalf, these papal pronouncements promulgated on behalf of Spain did not promote wars to obtain slaves or to engage in conquest. Rather, Alexander VI only gave the right to the Catholic monarchs “to bring under ... [their] sway

⁹⁵ Prince Henry let it be known that his principal aim for buying slaves was to give them the opportunity to convert to Christianity; accordingly, he regarded his purchasing of slaves from Muslim merchants as “a benevolent act of Christian charity.” Peter Russell, *Prince Henry ‘the Navigator’: A Life* (New Haven, CT: Yale U. Press, 2000), 200, 216; Gomes Eanes de Zurara, *Chronique de Guinée (1453)* (Paris: Éditions Chandeigne, 1994), 14-5; 297-8.

⁹⁶ Schwartz, *All Can Be Saved*, 162.

⁹⁷ Tyrannical government was not rule by law, because tyrannical law was not in accord with reason and therefore was not a law; absolutely speaking, tyrannical law was a perversion of law. *ST 1a-2ae*, q. 92, art. 1; q. 95, art. 4; D.A. Brading, *The First America: The Spanish Monarchy, Creole Patriotism, and the Liberal State 1492–1867* (New York: Cambridge University Press, 1991), 98. See also Aquinas’ *De Regno sive de Regimine Principum ad Regem Cypri*.

⁹⁸ Alida C. Metcalf, *Go-Betweens and the Colonization of Brazil, 1500-1600* (Austin, TX: U. Texas Press, 2005), 172; Oliveira, *Arte da Guerra do Mar, Estratégia e Guerra Naval no Tempo dos Descobrimentos*, 23.

the said countries and islands with their residents and inhabitants.”⁹⁹ Even so, like Oliveira, Las Casas questioned the pope’s authority over non-Christians in temporal affairs. He argued that the pontiff had only indirect and not arbitrary authority over infidels, which could be used only to achieve a spiritual end.¹⁰⁰ Nor did Alexander VI sanction slavery. Instead of mandating the Iberians “to lead their persons in perpetual servitude,” as did Pope Nicholas, Alexander VI ordered the Spaniards “to lead the peoples dwelling in those islands and countries to embrace the Christian religion.”

Furthermore, the wars of conquest in the Indies were also illegal because the monarchs did not authorize them. Las Casas charged that the conquests that were mandated by the king in royal orders and *capitulaciones* did not mandate the kinds of conquests actually carried out by the *conquistadores*.¹⁰¹ He too asserted that “it was not lawful to invade the lands where they live and where their kingdoms are, disturbing them and conquering them,” in other words, taking their goods, enslaving them, and ruling over them, “without considering that they are human beings and that they have rational souls.”¹⁰² He too condemned all the wars of conquest as “tyrannical, unjust, and against all law.”¹⁰³ In his understanding of tyranny, Las Casas followed Bartolus, who extended Aquinas’ notion of tyranny as unlawful governance to include “tyranny of the people, tyranny of a group, and tyranny of one person” over another.¹⁰⁴ Accordingly, he called the *conquistadores*, *encomenderos*, and some royal officials “tyrants”; he named individual “tyrants,” and collectively referred to Spaniards (and the Germans in Venezuela) as “tyrannical.” As

⁹⁹ Alexander VI, *Inter Caetera I*, May 3, 1493; *Inter Caetera II*, May 4, 1493; *Eximiae Devotionis*, May 3, 1493.

¹⁰⁰ As such, in Las Casas’s judgment, the pope, as Christ’s vicar, only had the obligation by divine law to preach the faith to all nations and to institute Christian rulers who would oversee the accomplishment of this mandate to spread the faith. Las Casas never doubted the validity of papal power to legislate in spiritual affairs, including over non-Christian rulers, unlike Vitoria, who held that the pope had neither temporal nor spiritual authority over infidels. Drawing from theologians, the Church Fathers, canonists, and jurists in the *Codex*, Las Casas pointed out, however, that “the pope can intervene only with true and necessary cause,” and presented reasons why the indigenous as the fourth kind of infidel were not subject to any other kind of papal intervention. See his *Doce dudas* in *O.C.*, 11.2: Chapter 7, especially pp. 51-52; Francisco de Vitoria, *Doctrina sobre los Indios*. Edición facsimilar. 2nd ed. and translation. Ramón Hernández Martín (Salamanca: Editorial San Esteban, 1992), 125; Christopher R. Rossi, *Broken Chain of Being: James Brown Scott and the Origins of Modern International Law* (The Hague: Martinus Nijhoff Publishers, 1988), 121-23; Lewis Hanke, *The Spanish Struggle for Justice in the Conquest of America* (Dallas, TX: Southern Methodist U. Press, 2002), 151; Gustavo Gutiérrez, *Las Casas: In Search of the Poor of Jesus Christ* (Maryknoll, NY: Orbis Press, 1995), 370-71.

¹⁰¹ Fray Bartolomé de las Casas, *Brevísima relación de la destrucción de las Indias*, ed. Isacio Pérez Fernández, Estudios Monográficos (Madrid: Punto Print, S. L., 1999), 3: 223-24.

¹⁰² Las Casas, *Historia* (Ayacucho), Chapter 17; Isacio Pérez Fernández, *Bartolomé de las Casas, Brevíssima relação da destruição de África* (Lisbon: Edições Antígona, 1996), 247-49.

¹⁰³ Bartolomé de las Casas, “Carta a un personaje de la corte,” *Obras Escogidas: Opúsculos, cartas, y memoriales*, ed. Juan Pérez de Tudela Bueso (Madrid, BAE, 1958), 5:61a (hereafter cited as *O.E.*).

¹⁰⁴ Bartolus de Saxoferrato, *De regimine civitatis*, cited in Francesco Maiolo, *Medieval Sovereignty: Marsilius of Padua and Bartolus of Saxoferrato* (Netherlands, Deft: Eburon Academic Publishers, 2007), 268-69, 272-73, and in Manlio Bellomo, *The Common Legal Past of Europe, 1000-1800, Studies in Medieval and Early Modern Canon Law*, vol. 4, translation of 2nd ed., Lydia G. Cochrane (Washington, DC: Catholic U. America Press, 1995), 201.

such, because of the rampant lack of rule of law based on reason – a widespread tyranny that characterized so much of the Indies, Las Casas regarded the tyrannical wars in the Indies as “invasions” and refused to call them conquests.¹⁰⁵

With respect to just cause, this criterion of just war allowed warfare only to repair a grave injury or an injustice.¹⁰⁶ Both Oliveira and Las Casas contended that just cause was lacking in the wars related to slavery and conquest.¹⁰⁷ The Portuguese cleric explicitly stated that “the Negroes ... do us no harm, nor do they owe us anything, nor do we have a just cause for making war on them.”¹⁰⁸ He pointed out that instead these “innocent” people “want to be at peace with us and have never taken our lands by any means to the detriment of Christians.”¹⁰⁹ He argued that this lack of just cause was equally applicable to the wars waged by some African monarchs against other African states and tribes in order to enslave them.

The Spanish Dominican also insisted that the indigenous peoples were innocent of any wrongdoing – and, qualifying this statement, he further asserted that these “innocent” people have “never done any wrong or evil to any Christian without first having received wrongs and thefts and acts of treachery from [the Spaniards].”¹¹⁰ In his *Historia*, Las Casas explained three reasons that he believed would legitimate waging war.¹¹¹ These were 1) “when infidels attack, make war on, or disturb Christianity at the present moment or out of habit”; 2) when the infidels “evilly persecuted, harassed or prohibited the Christian faith,”

¹⁰⁵ Knight, *An Account*, 29.

¹⁰⁶ In his *A Arte da Guerra do Mar*, Oliveira also reflected Augustinian teachings when he explained that “a just war punishes those who have offended God – heretics, apostates, blasphemers and former Christians.” Metcalf, *Go-Betweens and the Colonization of Brazil, 1500-1600*, 172.

¹⁰⁷ Schwartz, *All Can Be Saved*, 162; Lúcia Helena Costigan, “Bartolomé de Las Casas and His Counterparts in the Luso-Brazilian World,” in *Approaches to Teaching the Writings of Bartolomé de Las Casas*, eds., Santa Arias and Eyda Merediz (New York: The Modern Language Association of America, 2008), 236–7.

¹⁰⁸ Liliana Obregón, “Rethinking Human Rights: Unshackling the Story,” *ReVista: Harvard Review of Latin America* 3, no. 1 (Fall, 2003):15-7; [online]; available from <http://www.drclas.harvard.edu/revista/article/view/295> (accessed August 25, 2012).

¹⁰⁹ Figueiredo, “Weapons of Mass Hypocrisy (Lest We Forget),” 26. See also Juliana Beatriz and Almeida de Souza, “Las Casas, Alonso de Sandoval and the defense of black slavery,” *Topoi – Revista de Historia* 7 no. 12 (January-June 2006): 25-59; [online]; available from http://www.revistatopoi.org/numeros_anteriores/topoi2/topoi2a2.pdf (accessed August 25, 2012), 26; 32-3.

¹¹⁰ Knight, *An Account*, 8, 86.

¹¹¹ Other conditions that could validate war and/or political jurisdiction over infidels once the gospel had been preached to them were: 1) the lands had been Christian and had been violently taken over by the infidels; 2) their idolatry sullied or contaminated the Christian faith, its sacraments, buildings, or images; 3) they knowingly blasphemed Jesus Christ or the saints; 4) they deliberately impeded the preaching of the faith and knew what they are doing; 5) they waged offensive war against Christians as the Turks did; and/or 6) the innocent among them needed to be rescued. Ramón Jesús Queralto Moreno, *El pensamiento filosófico-político de Bartolomé de las Casas* (Seville; Escuela de Estudios Hispano-Americanos de Sevilla, 1976), 278; Angel Losada, “The Controversy between Sepúlveda and Las Casas in the Junta of Valladolid” in *Bartolomé de las Casas in History: Toward an Understanding of the Man and His Work*, 292-93.

and 3) “if [the infidels] had captured Christian kingdoms or other goods and would not return them.”¹¹² He concluded that none of these reasons applied to the indigenous nations or to the African states of non-Muslim and non-Christian peoples; they had never heard of Christ and they never harmed the Christians.¹¹³ Accordingly, there was no “just cause” for the wars of conquest. Moreover, through the two clerics’ insistence that there was no “just cause” in these wars generating enslavement, both Oliveira and Las Casas also contributed to the debate authored during the sixteenth century about the legality of slavery and the specific question of whether people may be enslaved with “just cause.”¹¹⁴

With respect to right intention, this third Thomistic principle of just war required seeking and securing good and avoiding evil. Both Las Casas and Oliveira claimed that the wars that were waged served particular interests rather than the common and universal good. Oliveira charged that wars were waged with the economic goal of specifically making captives to be sold in the slave trade.¹¹⁵ The commercial benefits were such that King John II (r. 1481 – 1495) informed Innocent VIII (r. 1484 – 1492) in 1488 that slave trade profits helped to finance wars against North African Muslims; in 1506, the Portuguese crown earned over two million *reis* through slave trade taxes and duties; from 1531 onwards, low-interest loans were made to Portuguese owners of sugar plantations in the Indies to enable them to purchase slave laborers.¹¹⁶

Las Casas decried how gold and glory – that is, profit and power – motivated the *conquistadores* in the Indies. Both clerics censured political interests: Oliveira, through his “profoundly critical stance on expansion by military means”; Las Casas, through his condemnation, based on canonistic teachings about dominium, of expansionist wars into indigenous territories.¹¹⁷ Initially, in both Portugal and Spain, the *reconquista* mentality fueled maritime expansion and mistakenly equated non-Muslim Africans with Moors.¹¹⁸ Since both the indigenous nations and the West African coastal states had never heard of

¹¹² Las Casas, *Historia* (Ayacucho), Chapter 25.

¹¹³ Las Casas, *Se han hecho esclavos*, in *O.C.*, 10:f. 3, 3v, 17v; Isacio Pérez Fernández, *El derecho Hispano-Indiano: dinámica social de su proceso histórico constituyente* (Salamanca: Editorial San Esteban, 2001), 119-121.

¹¹⁴ Obregón, “Rethinking Human Rights: Unshackling the Story,” 15.

¹¹⁵ Thomas, *The Slave Trade: The Story of the Atlantic Slave Trade*, 126; 814.

¹¹⁶ Patrick Adibe and Osei Boateng, “Portugal, the mother of all slavers Part II,” *New African* (May 2000); [online]; available from <http://www.africaspeaks.com/articles/nacs0502.html> (accessed August 25, 2012).

¹¹⁷ Schwartz, *All Can Be Saved*, 162. In the debates within canon law concerning the relationships between Christian and non-Christian societies, *dominium* referred both to jurisdiction (right to rule) and ownership (right to own). Brian Tierney, *The Idea of Natural Rights: Studies on Natural Rights, Natural Law and Church Law 1150–1625*, Emory University Studies in Law and Religion 5 (Atlanta, GA: Scholars Press, 1997), 117; James Muldoon, *The Americas in the Spanish World Order: The Justification for the Conquest in the Seventeenth Century* (Philadelphia, PA: U. Pennsylvania Press, 1995), 15.

¹¹⁸ David Brion Davis, *The Problem of Slavery in Western Culture* (Ithaca, NY: Cornell U. Press, 1966), Chapters 4 and 6.

Christianity, the religious goal of converting them was, according to the ecclesiastic thinking of the time, necessary and overt. The papal bulls of Nicholas V introduced – or at least encouraged – the idea of military force for missionary purposes instead of peaceful evangelization. Both clerics insisted that there was no Christian justification for forced conversion; and that the enslavements did not facilitate conversion to Christianity.¹¹⁹ Oliveira contended that “it is preferable to convert them to the faith and to edify them in it, as an example of peace and justice, than to hurry them with war or tyranny.”¹²⁰ Las Casas spent a lifetime advocating for peaceful and persuasive evangelization that “wins the mind with reasons, and the will with gentleness, with invitation.”¹²¹ He agreed with Oliveira’s contention that the religious goals of the Portuguese crown “do not excuse the sins of violence, the deaths, and the damnation of those who died without faith in the sacraments, and that the captivity of those present there did not justify such an injustice.”¹²² Spain had done the same. Indeed, because of the Spaniards’ violations of the criteria for just war, Las Casas unrelentingly charged that “from the discovery until now, ...all that the Spaniards had done in the Indies was illegal and invalid, and therefore, null.”¹²³ Oliveira said essentially the same about the wars waged by the Portuguese in order to capture slaves.

However, a significant dissimilarity between the two clerics derived from Las Casas’s initial and temporary acceptance of the transatlantic slave trade as legitimate. Indeed, in 1516, he had proposed in his *Memorial de Remedios* to the Regents of Castile that “some twenty black and other white slaves” be brought to the island of Hispaniola.¹²⁴ As a designated “Protector of All of the Indigenous” and at the request of the island’s *vecinos*, Las Casas made this proposal to alleviate the labor hardships endured by the indigenous people and to augment the declining indigenous labor force. Such a request was not unusual; many petitioned for African slaves.¹²⁵ As pointed out by Gutiérrez, Las Casas lived

¹¹⁹ See, for example, Bartolomé de las Casas, *The Only Way*, ed. Helen Rand Parish, trans. Francis Patrick Sullivan (New York: Paulist Press, 1992), 112-16; Oliveira, *Arte da Guerra do Mar, Estratégia e Guerra Naval no Tempo dos Descobrimentos*, 24-5.

¹²⁰ Figueiredo, “Weapons of Mass Hypocrisy (Lest We Forget),” 26.

¹²¹ Las Casas, *The Only Way*, 68.

¹²² Oliveira, *Arte da Guerra do Mar, Estratégia e Guerra Naval no Tempo dos Descobrimentos*, 24-5.

¹²³ Las Casas, *De thesauris*, O.C., 11.1:369-77; Pérez Fernández, *Fray Bartolomé de las Casas, Brevisima relación de la destrucción de las Indias*, note 66.

¹²⁴ See the eleventh remedy of Las Casas’s “Memorial de remedios para las Indias (1516)” in O.E., 5:9b.

¹²⁵ The first authorization from the Spanish crown for transporting black slaves to the Indies was issued in 1501, and revoked two years later. In 1510, authorization was again given, but was suspended by the regent of Castile, Cardinal Cisneros, upon the death of King Ferdinand. Joseph Höffner, *Colonização e evangelização: ética da colonização espanhola no Século de Ouro* (Rio de Janeiro: Presença, 1977), 173-74. In 1518, the first shipment of African-born slaves was sent to the Indies.

in an age that accepted slavery.¹²⁶ In two subsequent petitions to the king in 1531 and 1543, the Dominican friar (and bishop as of 1543) again requested the service of black slaves who were Christian and were from Spain. In 1546, after attending a meeting of mendicant friars in Mexico City, he began to question his stance. Consequently, when returning to Spain in 1547, he stopped at Lisbon, where he consulted archived royal and commercial documents, as well as obtained the testimony of Portuguese chroniclers. He concluded that, contrary to what he had previously believed, African slaves had not been captured in just wars. Realizing that he had erred because of his ignorance of the facts, he repented his error and condemned the slave trade. He called for its abolition with the same passion and determination that he portrayed on behalf of enslaved indigenous people. Indeed, he became the first to denounce the African slave trade. Additionally, he devoted Chapters 17 to 27 of Book I of his *Historia* to examining and judging Portugal's enterprises and activities in Africa, as well as Spain's role in the slave trade. In effect, Las Casas now extended his theoretical and practical defense of the indigenous peoples to a defense of liberty for all people, including African slaves.¹²⁷

In so doing, Las Casas continued to address an underlying major intellectual issue of his time: the unity and equality of all human beings and of all nations. In Las Casas's convictions about this issue – an issue that he based on the attributes of human nature and human rights, which were violated by the wars of conquest and the enslavements (including of African slaves) – he championed a primarily juridical remedy. For example, in his final plan for the Indies, political extension could result in the Spanish monarch's dominium if, as stated in canon law, the governed consented; economic exploitation by invasions would give way to trade between geographically-separated pueblos of Spaniards and indigenous people, as befits inter-nation commerce; religious expansion through rational, persuasive, and peaceful evangelization would adhere to the mandate to lovingly proclaim the gospel in word and deed to all people.¹²⁸

¹²⁶ Gutiérrez, *Las Casas*, 27.

¹²⁷ See Isacio Pérez Fernández, *Fray Bartolomé de las Casas, O.P., Brevisima relación de la destrucción de Africa* (Salamanca: Editorial San Esteban, 1989); Isacio Pérez Fernández, *Fray Bartolomé de las Casas, O.P. de defensor de los Indios a defensor de los Negros* (Salamanca: Editorial San Esteban, 1995); Juan Comas, "Fray Bartolomé: la esclavitud y el racismo," *Cuadernos Americanos* 205, no. 2 (Marzo-Abril de 1976). For a nineteenth-century denunciation of Las Casas – of "that very very notorious avaricious Catholic priest or preacher and adventurer with Columbus" – as the cause of African slavery in America, see David Walker, *Appeal to the Colored Citizens of the World*, ed., intro., annotations, Peter P. Hinks (University Park, PA: Pennsylvania State U. Press, 2000), 37-45, 119-20.

¹²⁸ Las Casas, *De thesauris*, in *O.C.*, 11.1:311, 393, 471, Chapters 36, 42, 45; Las Casas, *Principia Quaedam*, in *O.C.*, 10:581; Las Casas, *The Only Way*.

Oliveira addressed a different major issue of his time: the relationship of human beings, nature, and seagoing vessels (machines). In his assertions about how African human beings fared as a result of “the invention of the vile slave trade” and of developments in shipbuilding and navigation that promoted the extension of the slave trade and of maritime warfare in the *ocean sea*, Oliveira espoused a principally moral approach. For example, he opposed the political authority assumed by those pontiffs who “donated” non-Christian and non-Muslim lands to Iberian nations and who supported the trafficking of slaves; he condemned the economic exploitation of African persons and nations because it was motivated by the Lusitanians’ pursuit of economic gain and generated by unjust warfare. He maintained that “the vile slave trade” impeded conversions to Christianity. As one dedicated to the advancement of the maritime enterprise, he also recognized its boundaries and its consequences when ships engaged in or waged war unjustly. Basing his ideas on the writings of the fourth-century Roman military expert, Vegetius, Oliveira championed the moral ideal of “being ready to defend ourselves ... because the readiness ... is more productive than force in times of war,” and because “a good war leads to a good peace ... [since] arms defend [peace] as dogs defend the sheep.”¹²⁹

The degree to which Oliveira’s primarily moral (and practical) arguments against unjust warfare and the generated slavery were also part of a larger debate taking place in Portugal and Spain about just war theory – as these countries politically extended, economically exploited, and religiously expanded into Africa, Asia, and America. Russell-Wood contends that, prior to Oliveira, some did question “the validity of arguments justifying an ‘ideology of expansion’ in general, and the moral and theological implications of the slave trade in particular.”¹³⁰ Others, such as Boxer, doubted Oliveira’s influence on his contemporaries.¹³¹ The study of possible Portuguese opponents of overseas expansion and the slave trade may provide a contrast to the canonistic, philosophical, theological, and moral debates of Salamanca – discourses from which Las Casas and others drew and to which they contributed. Or – as some scholars suggest –, such a study may reveal that the School of Salamanca actually was a Peninsular School.¹³² In any case, the evolving conceptions of just war need more analysis, but are beyond the scope of this paper.

¹²⁹ Figueiredo, “Weapons of Mass Hypocrisy (Lest We Forget).”

¹³⁰ A. J. R. Russell-Wood, “Iberian Expansion and the Issue of Black Slavery: Changing Portuguese Attitudes, 1440-1770,” *The American Historical Review* 83, no. 1 (February, 1978): 36-37.

¹³¹ Charles R. Boxer, *A Igreja Militante e a Expansão Ibérica (1440-1770)* (São Paulo: Companhia das Letras, 2002), 48-49.

¹³² Professor Pedro José Calafate Villa Simões, Professor Catedrático do Departamento de Filosofia da FLUL, Faculdade de Letras, Universidade de Lisboa, interviewed August 20, 2012.

Nevertheless, Las Casas and Oliveira were significant sixteenth-century Atlantic-world figures in the incipient anti-slavery narrative – a discourse that, as time passed, gained further theoretical and practical momentum.¹³³ Although this comparison of these two Dominican-trained clerics presents notable similarities between these two clerics – especially with respect to their recourse to just war criteria for assessing slavery, there is an important difference in their anti-slavery narratives. In the writings of Oliveira, it is difficult to establish that slavery needed to be halted completely; he does not speak of a complete cessation of slavery. Although the Portuguese cleric condemned unjust war to capture slaves and “the vile slave trade” that was generated, seemingly he did not condemn the institution of slavery itself. As such, Oliveira’s writings about slavery might be read as meaning that slavery as an institution was not condemnable, but that the commerce of slaves captured in unjust wars was. Essential to understanding Oliveira’s position is that just war has to be the source of the origin of slaves that were sold by the Portuguese – a position that was also adopted by the Jesuits at the University of Évora at the end of the sixteenth century.¹³⁴ Furthermore, Oliveira devoted only a limited amount of writing to the issues of war and the slave trade; his denunciation of unjust wars in order to enslave people was only a part of his *Arte da Guerra no Mar* – and the only one of his works in which he wrote on these issues. In contrast, Las Casas addressed and condemned all the wars of conquest, the slavery generated by these unjust wars, and slavery as an institution. As previously noted, his position on these issues was presented in an extensive body of writings, such as *cartas*, *memoriales*, and *tratados*, from the 1530s onwards, while Oliveira’s first and only denunciation was in 1555. As such, the most significant dissimilarity uncovered in this comparative study is that Las Casas’s position was a central and substantial focus of his thought, while Oliveira’s position was secondary and minor in his thinking.¹³⁵ Nevertheless, through their assessments, Las Casas and Oliveira were in effect voices of conscience – voices that spoke to and out of what Pagden called the “conscience of European Christianity,” but, as Stark pointed out, “almost nobody listened.”¹³⁶

¹³³ Ruben Antonio Sanchez-Godoy, *Mercancía, gentes pacífica y plaga: Bartolomé de las Casas y los orígenes del pensamiento abolicionista en el Atlántico Ibérico* (Ph.D. dissertation, University of Pittsburgh, 2009), 199; Thomas, *The Slave Trade: The Story of the Atlantic Slave Trade*, 126; Pe. António Domingues de Sousa Costa, “A Expansão Portuguesa à luz do Direito,” *Revista da Universidade de Coimbra*, 20 (1962): 56-66; 150ff.

¹³⁴ Rui Bebiano in *A Pena de Marte. Escrita da Guerra em Portugal e a Europa (sécs. XVI-XVII)* (Coimbra, 2000), 144-159; Domingues de Sousa Costa, “A Expansão Portuguesa à luz,” 150ff.

¹³⁵ See Alain Milhou, “Introduction historique” in *La destruction des Indes de Bartolomé de Las Casas (1552)*, trans. Jacques de Migrode (1579) and engravings by Théodore de Bry (1598), (editions Chandeigne, 1995).

¹³⁶ Anthony Pagden, “Introduction” in Bartolomé de las Casas, *An Account, Much Abbreviated, of the Destruction of the Indies*, ed. and trans. Nigel Griffin; intro. Anthony Pagden (London: Penguin Books, 1992), xiii; Stark, “The Truth about the Catholic Church and Slavery.”

Received for publication: 14 February 2013

Accepted in revised form: 17 July 2013

Recebido para publicação: 14 de Fevereiro de 2013

Aceite após revisão: 17 de Julho de 2013