

**Legal-Theological Justifications of the Slave Trade:
From Francisco de Vitoria to Luis de Molina (16th century)**

Over the last two decades, legal scholars have shown a renewed interest in commentaries written by members of the so-called ‘School of Salamanca’ to cope with challenges of their time. We now have a clearer idea on how they used languages of law and economic analysis in giving moral advice. That said, we still have a very unclear or approximate idea of what these theologians and jurists said about the legitimacy of the slave trade. As they saw international relations –including trade relations– grow on an unprecedented scale, Salamancans also witnessed the beginnings and expansion of the transatlantic slave trade. At the University of Salamanca, and even more so at the Universities of Coimbra and Evora, they learned about the trade of African slaves either by hearing merchants express their doubts of conscience, by going directly to the banks of Tagus River in Lisbon to investigate the matter, or by receiving letters from missionaries who had been sent to the colonies. How did they envisage the enslavement of those who were then called “the Ethiopians”?

In my presentation, I will examine the construction and intellectual elaboration carried out by members of the School of Salamanca to think –and ultimately to justify– the enslavement and deportation of thousands of sub-Saharan African men, women, and children to the Americas in the 16th century. I will start with the letter that Francisco de Vitoria wrote to Bernardino de Vique in March 1546, a couple of months before his death. In his letter, Vitoria responds to his fellow Dominican about Spanish merchants’ doubts of conscience. Could they be involved in the slave trade without committing a moral sin? In responding to this question, Vitoria assesses the legitimacy of the slave trade carried out by the Portuguese, who were at the point bringing African slaves to the Iberian peninsula, before they were carried away to the Americas. His vocabulary in the letter is far off from the debate over natural slavery and the discussion on *dominium jurisdictionis* that characterized the debate over the enslavement of the Indians. I will end with the second treatise of Luis de Molina’s *De iustitia e iure* (1593) in which he devotes eight disputatio to the question of slavery. Molina offers a detailed description of commercial practices that were carried out throughout the Portuguese empire in the second half of the 16th century, before assessing their legitimacy on the basis of *dominium proprietaris*. Africa is at the heart of his concerns. On the basis of what titles and under what conditions could Portuguese merchants buy African slaves and then sell them on to Spanish merchants?

Anne-Charlotte Martineau is a tenured researcher at CNRS (French National Center for Scientific Research). She is co-director of the Centre de théorie et analyse du droit (UMR 7074) and works at the École Normale Supérieure in Paris. Her research aims to revisit the role of international law and lawyers in the establishment, justification and maintenance of slavery.